

# Exhibit C



# COMPLEX LITIGATION

# ABOUT KELLER ROHRBACK

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## Devoted to Justice

*"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity . . . [Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions."*

*In re WorldCom, Inc. ERISA Litig.*, No. 02-4816, 2004 WL 2338151, at \*10 (S.D.N.Y. Oct. 18, 2004) (Cote, J.)

**Keller Rohrback's lawyers excel by being prepared and persuasive.** It's a simple formula that combines our strengths: outstanding writing and courtroom skill, together with unparalleled passion and integrity. We have recovered billions of dollars for our clients and have served as lead counsel in many prominent cases, including numerous financial crisis cases against Wall Street banks and mortgage originators. Our lawyers are recognized as leaders in their fields who have dedicated their careers to combating corporate fraud and misconduct. We have the talent as well as the financial resources to litigate against Fortune 500 companies—and do so every day.



## Who We Are



Keller Rohrback's Complex Litigation Group has a national reputation as the go-to plaintiffs' firm for large-scale, complex individual and class action cases. We represent public and private investors, businesses, governments and individuals in a wide range of actions, including securities fraud, fiduciary breach, antitrust, insurance coverage, whistleblower, environmental and product liability cases. Our approach is straightforward—we represent clients who have been harmed by conduct that is wrong, and we litigate with passion and integrity to obtain the best results possible. Every case is different, but we win for the same reason: we are persuasive. When you hire us, you hire smart, creative lawyers who are skilled in court and in negotiations.

Founded in 1919, Keller Rohrback's over 70 attorneys and more than 100 staff members are based in seven offices across the country in Seattle, Missoula, New York, Oakland, Phoenix, Portland, and Santa Barbara. Over the past century, our firm has built a distinguished reputation by providing top-notch representation. We offer exceptional service and a comprehensive understanding of federal and state law nationwide. We also are well known for our abilities to collaborate with co-counsel and to work together to achieve outstanding results—essential skills in large-scale cases in which several firms represent the plaintiffs. We pride ourselves on our reputation for working smartly with opposing counsel, and we are comfortable and experienced in coordinating high-stakes cases with simultaneous state and federal government investigations. Keller Rohrback attorneys earn the respect of our colleagues and our opponents through our deft handling of the array of complex issues and obstacles our clients face.

# ABOUT KELLER ROHRBACK

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## What We Do

Keller Rohrback's Complex Litigation Group represents plaintiffs in large-scale cases involving corporate wrongdoing. We litigate against companies that pollute, commit fraud, fix prices and take advantage of consumers, employees, and investors. We are passionate advocates for justice. In addition, the Complex Litigation Group regularly calls on attorneys in the firm's other practice areas for expertise in areas such as bankruptcy, constitutional law, corporate transactions, financial institutions, insurance coverage and intellectual property. Our group's access to these in-house resources distinguishes Keller Rohrback from other plaintiffs' class action firms and contributes to the firm's success. We also have a history of working with legal counsel from other countries to vigorously pursue legal remedies on behalf of clients around the globe.

We have won verdicts in state and federal courts throughout the nation and have obtained judgments and settlements on behalf of clients exceeding \$78 billion. Courts around the country have praised our work, and we are regularly appointed lead counsel in nationally prominent class action cases. Our work has had far-reaching impacts for our clients in a variety of settings and industries, creating a better, more accountable society.

## Whom We Serve

We represent individuals, institutions, and government agencies. The common denominators of our clients is a desire to see justice done—and to be represented by attorneys who practice law with integrity, honesty, and devotion to serving our clients' interests.



*"Despite substantial obstacles to recovery, Keller Rohrback L.L.P. was willing to undertake the significant risks presented by this case . . . Class Counsel achieved real and substantial benefits for members of the Class. [Their] extensive prior experience in complex class action securities litigation . . . enabled the Class to analyze and achieve this excellent result." Order at 2, Getty v. Harmon (SunAmerica Sec. Litig.), No. 98-178 (W.D. Wash. Sept. 20, 1999) (Dwyer, J.)*

# ANTITRUST AND TRADE REGULATION



## ATTORNEYS

Lynn Lincoln Sarko  
Gretchen Freeman Cappio  
Alison Chase  
Felicia Craick  
Matt Gerend  
Cari Campen Laufenberg  
Derek Loeser  
Ryan McDevitt  
Daniel Mensher

**Keller Rohrback's antitrust and trade regulation practice represents Plaintiffs in state and federal courts to ensure that consumers get the benefits of free and fair competition in the marketplace.** Keller Rohrback has successfully litigated cases on behalf of both consumers and businesses who have been harmed by illegal anti-competitive conduct, such as price fixing, price discrimination, misleading and deceptive marketing practices, and the monopolization and attempted monopolization of markets.

Keller Rohrback has served as lead counsel, on MDL executive committees, and in other prominent roles in large price-fixing and price discrimination cases. In 2022, Keller Rohrback was honored by the American Antitrust Institute for its work on the *In re EpiPen Marketing, Sales Practices, and Antitrust Litigation*, receiving an award in the category of Outstanding Antitrust Litigation Achievement in Private Law Practice.

## REPRESENTATIVE CASES

*In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, MDL No. 2785 (D. Kan.)

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs alleged that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain their dominant market positions and increase the prices of EpiPen products by over 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. The Court certified two classes of consumers and payors against Defendants Mylan and Pfizer. Through separate settlements with the Mylan and Pfizer defendants, Class Counsel achieved settlements totaling \$609 million for the benefit of the classes.

*Nurse Wage Litigation: Fleischman v. Albany Med. Ctr.*, No. 06-765 (N.D.N.Y.); *Cason-Merenda v. Detroit Med. Ctr.*, No. 06-15601 (E.D. Mich.)

Keller Rohrback was Co-Lead Counsel in these long-running antitrust actions which recovered \$105 million in underpaid wages resulting from an alleged conspiracy among hospitals to set the compensation of their nurse employees in Albany, New York, and Detroit, Michigan.

*Ferko v. National Ass'n for Stock Car Auto Racing, Inc.*, No. 02-50 (E.D. Tex.)

Keller Rohrback was Counsel for Plaintiff, a shareholder in Texas Motor Speedway (TMS), in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and conspiring with International Speedway Corporation (ISC) to restrain trade in violation of the antitrust laws. The settlement agreement allowed TMS to purchase North Carolina Speedway from ISC and required NASCAR to sanction a Nextel Cup Series race at TMS in the future, relief that was valued at \$100.4 million.

"The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does again." Mem. at 12, *In re Linerboard Antitrust Litig.* (E.D. Pa. June 2, 2004) (DuBois, J.).

# ANTITRUST AND TRADE REGULATION



## REPRESENTATIVE CASES continued

### *In re Vitamins Antitrust Litig.*, MDL No. 1285 (D.D.C.)

Keller Rohrback played a significant role in litigating this MDL case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten-year global price-fixing and market-allocation conspiracy. Recoveries for the class through settlement and verdict totaled over \$1 billion.

### *In re Liquid Aluminum Sulfate Antitrust Litig.*, MDL No. 2687 (D.N.J.)

In 2016, Keller Rohrback filed numerous class action complaints in federal courts on behalf of several municipalities in Washington, California, and Arizona that purchase and use liquid aluminum sulfate ("Alum") to treat and clean their waste water. The complaints contained claims against the major manufacturers of Alum who allegedly engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. As a result of these antitrust violations, municipalities—and their taxpayers—had overpaid millions of dollars to the co-conspirators for the Alum they purchased during the long life of this conspiracy. In March 2020, the Court authorized the transfer of settlement funds to pay claims of the Settlement Class Members.

### *In re Online DVD Rental Antitrust Litig.*, MDL No. 2029 (N.D. Cal.)

Keller Rohrback represented purchasers of online DVD rental services accusing Walmart and Netflix of engaging in a market allocation scheme. The class achieved settlements of over \$30 million.

### *Transamerican Refining Corp. v. Dravo Corp.*, No. 88-789 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action filed on behalf of all cost-plus purchasers of specialty steel pipe. Fabricators and suppliers of that pipe were sued on allegations of a nationwide price fixing conspiracy. The class of electric generating plant and oil refinery owners, achieved a settlement of over \$49 million.

### *Johnson v. Arizona Hosp. & Healthcare Ass'n*, No. 07-1292 (D. Ariz.)

Keller Rohrback represented agency nurses who worked at various Arizona hospitals seeking to recover the underpayment of wages resulting from a conspiracy to suppress the cost of agency nurses. The class achieved settlements of more than \$26 million.

### *Daisy Mountain Fire Dist. v. Microsoft Corp.*, MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in of over \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

### *Molecular Diagnostics Labs. v. Hoffmann-La Roche Inc.*, No. 04-1649 (D.D.C.)

Keller Rohrback served on the Executive Committee of this class action lawsuit on behalf of direct purchasers of thermus aquaticus DNA polymerase (Taq), an essential input to technologies used to study DNA. The lawsuit alleged that various Hoffman-La Roche entities, in concert with the Perkins Elmer Corp., fraudulently procured a patent for Taq with the intent of illegally monopolizing the Taq market. The court approved a \$33 million settlement in 2008.

### *In re Delta Dental Antitrust Litig.*, No. 19-6734 (N.D. Ill.)

Ryan McDevitt serves on several of the plaintiffs' committees in the sprawling multistate Delta Dental antitrust litigation on behalf of dentists nationwide, in which the numerous state Delta insurers are alleged to have coordinated efforts not to compete and to abuse their monopsony power in the market for dental insurance throughout the United States.



# APPELLATE PRACTICE



## ATTORNEYS

Lynn Lincoln Sarko  
 Matt Gerend  
 Ben Gould  
 Ron Kilgard  
 Cari Campen Laufenberg  
 Jeffrey Lewis  
 Derek Loeser  
 Erin Riley  
 Matthew Preusch

**Appeals require specialized skills and experience, and Keller Rohrback has a seasoned appellate team that includes award-winning brief writers and outstanding oral advocates.** Our appellate experience is particularly important in large cases, including complex class actions. Keller Rohrback has the experience and talent to handle any issue that arises involving interlocutory appeals and will work to ensure that any judgment or settlement is affirmed on appeal.

## REPRESENTATIVE CASES

*ERISA Indus. Comm. v. City of Seattle*, 840 F. App'x 248 (9th Cir. 2021)

Keller Rohrback and the Seattle City Attorney persuaded the Ninth Circuit to affirm the dismissal of an industry group's ERISA preemption lawsuit, which sought to invalidate a City ordinance mandating the payment of additional

compensation to enable hotel employees to better afford health care. On November 21, 2022, the U.S. Supreme Court denied a petition for certiorari, thereby ending efforts to invalidate the City ordinance.

*Smith v. OSF Healthcare Sys.*, 933 F.3d 859 (7th Cir. 2019)

Keller Rohrback successfully obtained reversal of summary judgment in litigation to protect the pension benefits of hospital employees. The Seventh Circuit held that the trial court abused its discretion by granting a summary judgment motion filed long before the close of discovery when plaintiffs were diligently pursuing relevant discovery and had filed a well-supported motion under Federal Rule of Civil Procedure 56(d).

*Campidoglio, LLC v. Wells Fargo & Co.*, 870 F. 3d 963 (9th Cir. 2017)

This is a proposed class action arising out of Wells Fargo's alleged miscalculation of the interest rates charged to Borrowers. The Ninth Circuit reversed the dismissal finding that the Home Owners' Loan Act does not preempt the Borrowers' interest rate calculation breach of contract claim, which arises under Washington law.

*Hall v. Elected Officials Retirement Plan*, 241 Ariz. 33, 383 P.3d 1107 (2016)

Keller Rohrback successfully represented a class of all sitting Arizona general jurisdiction judges in a challenge to the legislature's reduction of their retirement benefits as in violation of the Arizona constitution

*Kaplan v. Saint Peter's Healthcare Sys.*, 810 F.3d 175, 177 (3d Cir. 2015); *Stapleton v. Advocate Health Care Network*, 817 F.3d 517, 523 (7th Cir. 2016); *Rollins v. Dignity Health*, 830 F.3d 900, 906 (9th Cir. 2016); *rev'd*, 137 S. Ct. 1652 (2017)

Keller Rohrback obtained unanimous decisions from panels of the Third, Seventh, and Ninth Circuits that religiously affiliated health care systems were not exempted from ERISA, the federal pension law, by virtue of a particular provision of the relevant statute. Keller Rohrback also defended the appellate decisions in the U.S. Supreme Court, which disagreed with the Circuits on the statutory interpretation issue presented and remanded for further litigation, which Keller Rohrback also handled, on other sources for a possible statutory exemption.

# APPELLATE PRACTICE

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## REPRESENTATIVE CASES continued

### *Gates v. UnitedHealth Grp. Inc.*, 561 F. App'x 73 (2d Cir. 2014)

Keller Rohrback persuaded the Second Circuit to reverse the district court's dismissal of our client's claims for medical coverage.

### *Comerica Bank v. Mahmoodi*, 224 Ariz. 289 (App. 2010)

Keller Rohrback successfully reversed a multi-million dollar judgement entered on summary judgment for a plaintiff. The opinion is a major statement in Arizona on the principles of summary judgment practice.

### *Braden v. WalMart Stores, Inc.*, 588 F.3d 585 (8th Cir. 2009)

Keller Rohrback represented a class of Walmart employees who alleged that Walmart's 401(k) plan charged them excessive fees. Keller Rohrback convinced the Eighth Circuit to reverse the trial court and reinstate the employees' claims.

### *James v. PacifiCorp*, No. A179017 (Oregon Court of Appeals, Jan. 25, 2023)

Keller Rohrback successfully defended in the Oregon Court of Appeals a trial court's order certifying a liability issues class of fire survivors, the first class certification order of its kind in a major utility-caused fire case.



# AUTOMOTIVE LITIGATION



## ATTORNEYS

Lynn Lincoln Sarko  
Gretchen Freeman Cappio  
Derek Loeser  
Alison Chase  
Felicia Craick  
Adele Daniel  
Kylie Fisher  
Zack Gussin  
Ryan McDevitt  
Sydney Read  
Emma Wright

Keller Rohrback is renowned for its success in representing consumers in high-stakes, complex litigation involving automotive defects and misrepresentations. Courts regularly appoint our nationally recognized attorneys to plaintiffs' leadership teams for automotive class actions, including numerous actions consolidated in multidistrict litigation. These cases reflect our firm's ongoing commitment to ensuring the safety of drivers, passengers, their vehicles, and the environment.

## REPRESENTATIVE CASES

*In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., & Prods. Liab. Litig.*, MDL No. 2672 (N.D. Cal.)

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen's fraudulent use of an emissions "defeat device" in

over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs' Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

*In re Chrysler-Dodge-Jeep EcoDiesel Mktg., Sales Pracs., & Prods. Liab. Litig.*, MDL No. 2777 (N.D. Cal.)

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating

*In re ZF-TRW Airbag Control Units Prods. Liab. Litig.*, MDL No. 2905 (C.D. Cal.)

Gretchen Freeman Cappio is a member of the Plaintiffs' Steering Committee ("PSC"). In her work on the PSC, Gretchen has directed briefing efforts on cutting edge legal issues and steers plaintiffs' global strategy. Plaintiffs' allegations against auto parts supplier ZF-TRW and automakers Fiat Chrysler Automobiles/Stellantis, Kia, Hyundai, Toyota, Honda, and Mitsubishi relate to defective airbag control units in 12.3 million vehicles that may cause airbags to fail to inflate in the event of a crash.

# AUTOMOTIVE LITIGATION

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## REPRESENTATIVE CASES continued

### *Speerly v. General Motors, LLC*, No. 19-11044 (E.D. Mich.)

Gretchen Freeman Cappio was appointed to the Plaintiffs' Steering Committee in the General Motors ("GM") transmission litigation and expects to play a major role in the case. In this putative class action, Plaintiffs allege that transmission defects in GM, Chevrolet, and Cadillac vehicles sold as early as 2014 can cause unsafe conditions that GM failed to disclose or repair despite longstanding knowledge and numerous attempts.

### *In re Hyundai and Kia Engine Litig. II*, No. 18-02223 (C.D. Cal.)

Gretchen Freeman Cappio was appointed as settlement counsel by the court in consolidated litigation against automakers Hyundai and Kia and their American subsidiaries. The litigation arises out of Hyundai's and Kia's failure to disclose or timely remedy several serious design and manufacturing defects that can cause engines to suddenly stall or burst into flames while driving. Judge Stanton granted preliminary approval of the Settlement on February 8, 2023.

### *Stringer v. Nissan North Am. Inc.*, No. 21-99 (M.D. Tenn.)

Ryan McDevitt served on the court-appointed Executive Committee that achieved a settlement valued at over \$300 million for consumers in litigation concerning defective transmissions in Nissan and Infiniti vehicles, *Stringer v. Nissan North Am., Inc.*, No. 21-99 (M.D. Tenn.)

### *In re Chevrolet Bolt EV Battery Litig.*, No. 20-13256 (E.D. Mich.)

Judge Berg appointed Keller Rohrback Co-Lead Counsel in the consolidated Chevrolet Bolt defective battery litigation. Plaintiffs allege that General Motors failed to disclose dangerous battery defects that led to an increased risk of catastrophic fires and diminished battery function. The litigation is on-going.

# BANKRUPTCY-RELATED LITIGATION



## ATTORNEYS

Laurie Ashton  
Gary A. Gotto  
Christopher Graver

**Keller Rohrback attorneys have deep and broad experience litigating in the bankruptcy courts on behalf of Plaintiffs whose claims were interrupted by bankruptcy petitions, as well as creditors, debtors, and creditor committees.**

Our experience includes representing claimants and class claimants in numerous large-scale bankruptcies - such as the pending Purdue Pharma bankruptcy in New York, which forms a part of our larger representations in the nationwide opioid litigation. Keller Rohrback's representations have involved virtually all areas of sophisticated bankruptcy practice, including: (i) negotiating acceptable terms of a

plan of reorganization with the debtor, creditors' committee, and other bankruptcy constituencies; (ii) pursuing relief from the automatic stay to litigate claims in district court; (iii) seeking and opposing orders to withdraw the reference to the bankruptcy court; (iv) certifying a claimant class in bankruptcy; (v) asserting rights to officer, director, or fiduciary insurance policies between conflicting bankruptcy claimants; (vi) evaluating and negotiating proposals for debtor financing, cash collateral orders, estate sale orders and other bankruptcy administrative matters; and (vii) defending against subordination claims.

Keller Rohrback's bankruptcy attorneys also have extensive experience in a wide variety of matters involving corporate restructuring and commercial bankruptcies. Our bankruptcy clients have ranged from tort claimants to operating entities to institutional lenders. Examples include representation of the official committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, the debtors in a reorganization of fifty commercial real properties across the nation; and a national services company in the acquisition of a competitor's assets in a bankruptcy court-approved sale in the Northern District of California.

In addition to the representative cases listed below, Keller Rohrback has achieved similar results in numerous other bankruptcy proceedings involving corporations such as Global Crossing Ltd., Mirant Corp., Delphi Corp., and Fremont General Corp.

## REPRESENTATIVE CASES

### *In re Enron Corp.*, No. 01-16034 (Bankr. Ct. S.D.N.Y.)

Keller Rohrback obtained stay relief to pursue litigation in the Southern District of Texas and defended against a motion to subordinate claims. Keller Rohrback achieved a settlement for the class that included the allowance of a \$265 million claim in the Enron bankruptcy.

### *In re WorldCom, Inc. Sec. Litig.*, Nos. 02-3288, 02-8981 (S.D.N.Y.)

Keller Rohrback defended against a motion to subordinate claims and successfully negotiated a simultaneous resolution of claims in the bankruptcy and district courts against third parties in the total amount of \$48 million.

### *In re Nortel Networks Inc.*, No. 09-10138 (Bankr. Ct. D. Del.)

Keller Rohrback represented class claimants in simultaneous insolvency proceedings in Canada under the Companies' Creditors Arrangement Act and bankruptcy court in the District of Delaware. Keller Rohrback obtained stay relief to pursue litigation in the Middle District of Tennessee and ultimately settled class claims in Tennessee for over \$21 million.

### *In re Washington Mut., Inc.*, No. 08-12229 (Bankr. Ct. D. Del.)

Keller Rohrback sought stay relief to pursue litigation in the Western District of Washington and pursued claims in bankruptcy court in Delaware, resulting in a simultaneous resolution of claims in the bankruptcy and district courts for \$20 million.

# CONSUMER PROTECTION CLASS ACTIONS **KR**

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## ATTORNEYS

Lynn Lincoln Sarko  
Derek Loeser  
Gretchen Freeman Cappio  
Alison Chase  
Felicia Craick  
Juli Farris  
Kylie Fisher  
Alison Gaffney  
Laura Gerber  
Zack Gussin  
Dean N. Kawamoto  
David Ko  
Cari Campen Laufenberg  
Ryan McDevitt  
Daniel Mensher  
Nathan Nanfelt  
Matthew Preusch  
Mark D. Samson  
Chris Springer  
Havila C. Unrein  
Michael Woerner

**For decades, consumers have trusted Keller Rohrback attorneys to protect them from harmful and unfair practices.** Our firm is a leader in representing consumers in class action and complex litigation in diverse areas, including vehicles, children's products, food contamination, drugs, mortgage modifications, identity theft, and data breaches. Keller Rohrback currently represents a wide range of consumers, such as vehicle owners and lessees, parents, environmentalists, fishermen, employees, professors, doctors, and nurses.



Through decades of hard work, ingenuity, and creativity, Keller Rohrback has achieved meaningful results. These results impact not only our clients, but future consumers too. For example, homeowners now benefit from improved loan-modification practices at one of the country's biggest banks as a result of our advocacy.

Keller Rohrback attorneys are frequently featured speakers and presenters at prestigious legal education seminars on class actions, consumer protection, and data privacy.

## REPRESENTATIVE CASES

*In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig., MDL No. 2785 (D. Kan.)*

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs alleged that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain

their dominant market positions and increase the prices of EpiPen products by over 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. The Court certified two classes of consumers and payors against Defendants Mylan and Pfizer. Through separate settlements with the Mylan and Pfizer defendants, Class Counsel achieved settlements totaling \$609 million for the benefit of the classes.

### *Jabbari v. Wells Fargo & Co., No. 15-2159 (N.D. Cal.)*

Keller Rohrback filed a class action lawsuit against Wells Fargo alleging the bank victimized its customers by opening checking, savings and credit card accounts, and lines of credit without customers' authorization. Keller Rohrback negotiated a \$142 million settlement on behalf of consumers, which required Wells Fargo to refund fees charged to unauthorized accounts, compensate consumers for increased borrowing costs due to credit damage, and provide other substantial compensation.

# CONSUMER PROTECTION CLASS ACTIONS

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## REPRESENTATIVE CASES continued

### *White v. Symetra Assigned Benefits Serv. Co.*, No. 20-01866 (W.D. Wash.)

Plaintiffs brought this class action lawsuit on behalf of themselves and all others who, in settling underlying tort litigation, became the beneficiaries of a Symetra Life Insurance structured settlement annuity, and who then sold their future annuity payments to SABSCO or another Symetra affiliate. On August 3, 2022, Judge Marsha J. Pechman of the United States District Court for the Western District of Washington certified a nationwide class of structured settlement annuity holders who allege that certain business practices by Symetra Life Insurance and its affiliate Symetra Assigned Benefits Service Company ("SABSCO") violated RICO, the Washington Consumer Protection Act, civil conspiracy, unjust enrichment, and their contractual rights. The Court certified the following class: "All persons who are or were, at any time, annuitants of [a structured settlement annuity ("SSA")] that contemplated life contingent payments issued by Symetra and who subsequently sold to a Symetra affiliate the right to receive payments from that SSA in a factoring transaction." A Rule 23(f) appeal is pending before the United States Court of Appeals for the Ninth Circuit.

### *In re JPMorgan Chase Mort. Modification Litig.*, MDL No. 2290 (D. Mass.)

Keller Rohrback served as Co-Lead Counsel in this MDL, representing homeowners who attempted to obtain mortgage loan modifications from JPMorgan Chase and related entities. Plaintiffs alleged breach of contract and violations of consumer protection laws when Defendants failed to timely evaluate or approve mortgage modification applications of homeowners who had completed identified prerequisites. Keller Rohrback achieved a settlement for the class valued at over \$500 million.

### *In re Mattel, Inc., Toy Lead Paint Prods. Liab. Litig.*, MDL No. 1897 (C.D. Cal.)

Keller Rohrback served as Chair of the Executive Committee in this nationwide MDL against Mattel and Fisher-Price on behalf of purchasers of toys recalled because they were manufactured using lead paint and/or dangerous magnets. On behalf of Plaintiffs, Keller Rohrback achieved a settlement valued at approximately \$50 million.

### *Fox v. Iowa Health Sys.*, No. 18-327 (W.D. Wis.)

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties have since reached a settlement, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breaches. The Court granted final approval of the settlement on March 4, 2021.

### *Ormond v. Anthem, Inc.*, No. 05-1908 (S.D. Ind.)

Anthem Insurance converted from a mutual company to a stock company on November 2, 2001. More than 700,000 former members of the mutual company sued Anthem, alleging that the cash compensation they received as a result of the demutualization was inadequate. After class certification and shortly before the start of trial, Keller Rohrback and co-counsel settled the action for \$90 million.

# CONSUMER PROTECTION CLASS ACTIONS

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## REPRESENTATIVE CASES continued

### *In re Arizona Theranos, Inc. Litig.*, No. 16-2138 (D. Ariz.)

Keller Rohrback filed class action complaints in California and Arizona federal courts against Walgreens Boots Alliance, Inc., Walgreen Arizona Drug Company, Theranos Inc., and the leaders of Theranos, Inc.: Elizabeth Holmes and Ramesh (Sunny) Balwani. Theranos claimed to have developed a “tiny blood test,” and it ventured with Walgreens to market its product and offer it in select Walgreens retail stores. The vaunted technology did not work. Thousands of Theranos test results were either invalidated or called into question. Holmes and Balwani were subsequently convicted of criminal charges. On March 6, 2020, the U.S. District Court in Phoenix, Arizona granted class certification in favor of an estimated 175,000 consumers in Arizona and California against Defendants. After Defendants’ appeal, on September 8, 2021, the Ninth Circuit substantially affirmed in part the lower court’s ruling. The case was remanded back to the District Court of Arizona for further proceedings where on July 14, 2022, class notice was subsequently issued. On May 4, 2023 Judge Campbell issued an order denying Walgreens’ motion for Summary Judgment. Trial is set to begin in September 2023.

### *Corona v. Sony Pictures Ent., Inc.*, No. 14-9600 (C.D. Cal.)

Keller Rohrback served as interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company’s highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members’ personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.

### *Carlin v. DairyAmerica Inc.*, No. 09-00430 (E.D. Cal.)

In 2009, Plaintiffs brought suit alleging claims under federal and California state law. The class action complaint alleged that Defendants, DairyAmerica, Inc. and California Dairies, Inc., negligently and incorrectly reported dairy product prices to the National Agricultural Statistic Service, a division of the United States Department of Agriculture. As a result of this misreporting, prices for various grades of milk products were set lower than they should have been, inflating DairyAmerica’s profits and depriving dairy farmers of tens of millions of dollars in income. On May 9, 2019, U.S. District Court Judge Anthony W. Ishii granted final approval to a \$40 million settlement.

### *Iacovelli v. SBTickets.com, LLC*, No. 15-1459 (Ariz. Super. Ct., Maricopa Cnty.)

Keller Rohrback filed a class action in Arizona state court on behalf of individuals who paid for, but did not receive, tickets to the 2014 Super Bowl (Super Bowl XLIX) from the ticket broker SBTickets. Despite purchasing tickets and receiving numerous representations that their tickets were guaranteed, SBTickets customers were told just days before the game, and in some instances, only hours before kickoff, that their ticket orders would not be fulfilled. The case was settled on favorable terms for the class notwithstanding the Defendant’s insolvency and bankruptcy proceedings.

### Telephone Consumer Protection Act (TCPA) Cases (Wash. Super. Ct., King Cnty.)

Keller Rohrback prosecuted numerous class actions concerning the sending of unsolicited facsimiles in violation of the Telephone Consumer Protection Act and the Washington Consumer Protection Act, resulting in the issuance of eleven permanent injunctions and the recovery of over \$56 million on behalf of injured Plaintiffs.



# CONSUMER PROTECTION CLASS ACTIONS

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## REPRESENTATIVE CASES continued

### *In re Bisphenol-A (BPA) Polycarbonate Plastic Prods. Liab. Litig.*, MDL No. 1967 (W.D. Mo.)

Keller Rohrback served on the Plaintiffs' Steering Committee in this MDL on behalf of purchasers of plastic baby bottles and "sippy" cups which contained the chemical bisphenol-A (BPA). The action was favorably settled.

### *Brotherson v. Professional Basketball Club, L.L.C.*, No. 07-1787 (W.D. Wash.)

Keller Rohrback represented Seattle SuperSonics season ticket holders who renewed their 2007–2008 season ticket packages before the team was relocated to Oklahoma City. After Plaintiffs prevailed on class certification and defeated summary judgment, the parties negotiated a significant settlement that returned substantial sums to the class.

### *In re 21st Century Oncology Customer Data Sec. Breach Litig.*, MDL No. 2737 (M.D. Fla.)

In 2016, Keller Rohrback L.L.P. filed three proposed Class Action Complaints against the Florida-based healthcare provider 21st Century Oncology concerning an October 2015 data breach. All cases concerning the breach were consolidated in October 2016 for coordinated pretrial proceedings. On November 18, 2016, Keller Rohrback and Robinson Calcagnie were appointed Interim Co-Lead Counsel. On March 11, 2019, the Court entered its Order denying the Defendants' Motion to Dismiss the Amended Consolidated Complaint. In June 2020, the parties reached a settlement in principle, which the Court preliminarily approved on November 2, 2020. Notice to class members will be sent in early January, and a Hearing to determine whether the Settlement is fair, adequate and reasonable will be held June 15, 2021.

### *In re Apple Inc. Device Performance Litig.*, MDL No. 2827 (N.D. Cal.)

Keller Rohrback served as Co-Chair of the Executive Committee for Offensive Discovery and also as the ESI Coordinator in this consolidated action concerning IOS software installed on certain Apple iPhone devices. The Plaintiffs asserted claims that this software diminished the performance of those devices. Numerous cases were consolidated before Judge Edward J. Davila in the Northern District of California. A settlement of up to \$500 million has been granted preliminary approval for the benefit of the Settlement Class Members. The Final Fairness Hearing was held December 4, 2020.

### *MultiCare Health System, Inc.*, No.18-2-08055-5 (Pierce Cty. Wash. Super. Ct.)

Keller Rohrback and co-counsel represent individuals in Washington against MultiCare Good Samaritan Hospital ("MultiCare") in a lawsuit that alleges MultiCare negligently hired and inadequately supervised an emergency department nurse.

The trial court certified two classes: the Weberg Treatment Class; and the General Treatment Class. MultiCare subsequently filed a Motion for Summary Judgment seeking the dismissal of all claims of the General Treatment Class, which the trial court granted. The trial court then denied Plaintiffs' Motion for Reconsideration. Plaintiffs appealed the trial court's decision, however the Washington Court of Appeals affirmed the dismissal. Plaintiffs petitioned the Washington Supreme Court to review the Court of Appeals' decision. On April 5, 2023, the Washington Supreme Court granted Plaintiffs' petition. The parties have filed additional briefs in the Washington Supreme Court.

# DATA PRIVACY LITIGATION



## ATTORNEYS

Lynn Lincoln Sarko  
Gretchen Freeman Cappio  
Felicia Craick  
Adele Daniel  
Juli Farris  
Benjamin Gould  
Dean N. Kawamoto  
David Ko  
Cari Campen Laufenberg  
Derek Loeser  
Ryan McDevitt  
Sydney Read  
Chris Springer  
Michael Woerner  
Emma Wright

**Keller Rohrback is a pioneer in representing consumers and employees who have had their personal information breached.** Our Data Privacy Litigation team has an established reputation of successful data breach litigation in federal and appellate courts.

Our success in this area includes the groundbreaking case, *Krottner v. Starbucks Corp.* Nos. 09-35823, 09-35824 (W.D. Wash.), where the Ninth Circuit recognized that Plaintiffs-Appellants' injury caused by a stolen laptop containing their personal information sufficiently satisfied the Article III standing requirement. This decision established an important legal precedent that formed a building block for privacy litigation under federal law.

Keller Rohrback's Data Privacy Litigation team has made headlines in various publications with their work featured in *Variety*, the *Los Angeles Times*, *The Wall Street Journal*, Law.com, CNN.com, Bloomberg.com, NPR.org, CNBC.com, Nasdaq.com, Reuters.com and *The Guardian*. We have also been featured on broadcasts such as CNN and NPR's Morning Edition.

## REPRESENTATIVE CASES

### *In re Facebook, Inc. Consumer Priv. User Profile Litig.*, MDL No. 2843 (N.D. Cal.)

Keller Rohrback partner Derek Loeser serves as co-lead counsel in this high profile litigation related to the 2018 news that the data mining firm Cambridge Analytica had harvested information from up to 87 million Facebook users. Plaintiffs allege that Facebook granted numerous third parties access to their Facebook content and information without their consent, and that Facebook failed to adequately monitor the third parties' access to, and use of, that information.

Facebook's motion to dismiss was denied, and after several years of hard-fought litigation, in which Plaintiffs obtained extensive discovery regarding Facebook's data sharing practices, including millions of pages of discovery and over 45 depositions, the parties reached a \$725 million settlement – the largest ever privacy class action settlement in the United States. The Court granted Plaintiffs' motion for preliminary approval of the settlement on March 29, 2023 and a Fairness Hearing is scheduled to take place on September 7, 2023.

### *Corona v. Sony Pictures Ent., Inc.*, No. 14-9600 (C.D. Cal.)

Keller Rohrback served as Interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company's highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members' personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.



# DATA PRIVACY LITIGATION

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## REPRESENTATIVE CASES continued

### *Fox v. Iowa Health Sys., No. 18-327 (W.D. Wis.)*

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties have since reached a settlement, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breaches. The Court granted final approval of the settlement on March 4, 2021.

### *In re Experian Data Breach Litig., No. 15-1592 (C.D. Cal.)*

In October 2015, Experian announced a nationwide data breach affecting an estimated 15 million consumers. Keller Rohrbach was appointed to serve on the Plaintiffs' Steering Committee. After three years of litigation, a settlement was reached valued at more than \$150 million, providing credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breach. The Court granted final approval of the settlement in May 2019.

### *In re Blackbaud, Inc., Customer Data Sec. Breach Litig., MDL No. 2972 (D.S.C.)*

Keller Rohrbach partner Gretchen Freeman Cappio serves as Chair of the Plaintiffs' Steering Committee in this multidistrict litigation arising out of the 2020 Blackbaud Data Breach. Plaintiffs' consolidated complaint, filed in the District of South Carolina, alleges that Blackbaud's clients' user data was exposed during a breach that lasted months, and Blackbaud further delayed Plaintiffs' ability to protect their data by their failure to announce the breach, despite knowledge of it, for months. Plaintiffs' claims survived Blackbaud's three motions to dismiss. On December 16, 2022, Plaintiffs filed their Motion for Class Certification with respect to six claims (including alleged violations of California, Florida and New York statutes). Judge Anderson ordered that Plaintiffs' remaining claims shall be stayed until the six identified claims are resolved. .

### *Krottner v. Starbucks Corp., 628 F.3d 1139 (9th Cir. 2010)*

In 2008, Keller Rohrbach filed a class action on behalf of approximately 97,000 Starbucks employees whose unencrypted private information was contained on a stolen Starbucks laptop. Plaintiffs' claims included negligence and breach of contract for failing to protect employees' personally identifiable information. The district court granted Starbucks's motion to dismiss, but Keller Rohrbach successfully appealed the decision as to standing, resulting in the Ninth Circuit establishing a new legal precedent that the theft of PII constituted injury under Article III.



# DATA PRIVACY LITIGATION

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## REPRESENTATIVE CASES continued

### *In re T-Mobile Customer Data Sec. Breach Litig., MDL No. 3019 (W.D. Mo.)*

Keller Rohrbach filed class action complaints on behalf of the approximately 76.6 million T-Mobile customers whose data was exposed in the August 2021 Data Breach, alleging that T-Mobile failed to protect data of customers, as well as consumers who applied for credit with T-Mobile, leading to the exposure of information including their Social Security numbers, names, and dates of birth. Cases concerning the breach were consolidated for pretrial proceedings by the JPML in December 2021. In February 2022, Keller Rohrbach, Stueve Siegel Hanson LLP, and Hausfeld LLP were appointed Co-Lead Interim Class Counsel. The parties have reached a settlement, including a \$350 million settlement fund and a \$150 million spending commitment to improve T-Mobile's data security and address vulnerabilities that resulted in the Data Breach. The Court granted preliminary approval of the settlement in July 2022 and a final fairness hearing occurred on January 20, 2023.

### *In re 21st Century Oncology Customer Data Sec. Breach Litig., MDL No. 2737 (M.D. Fla.)*

In 2016, Keller Rohrbach filed three proposed class action complaints against the Florida-based healthcare provider 21st Century Oncology concerning an October 2015 data breach impacting 2.2 million class members. All cases concerning the breach were consolidated in October 2016 for coordinated pretrial proceedings. On November 18, 2016, Keller Rohrbach and Robinson Calcagnie were appointed Interim Co-Lead Counsel. On March 11, 2019, the Court entered its order denying the Defendants' motion to dismiss the amended consolidated complaint. In June 2020, the parties reached a settlement in principle, valued at more than \$16 million, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breach. The Court granted final approval of the settlement on June 25, 2021.



# EMPLOYEE BENEFITS

## ATTORNEYS

Lynn Lincoln Sarko  
Derek Loeser  
Laurie Ashton  
Gretchen Freeman Cappio  
Juli Farris  
Alison Gaffney  
Laura Gerber  
Matthew Gerend  
Gary Gotto  
Benjamin Gould  
Garrett Heilman  
Dean N. Kawamoto  
Ron Kilgard  
David Ko  
Cari Campen Laufenberg  
Jeffrey Lewis  
David Preminger  
Erin Riley  
Havila C. Unrein  
Michael Woerner

**Keller Rohrbach is the preeminent firm for Employee Retirement Income Security Act of 1974 (ERISA) and other employee benefit class action and complex litigation.** Our firm is a pioneer of ERISA class action litigation, with over a billion dollars of pension and health benefits recovered for our clients. Keller Rohrbach has played a major role in developing the law and establishing that ERISA's protections apply to all investments in company-sponsored retirement plans, as well as to benefits in health and welfare plans. Keller Rohrbach's attorneys are also well versed in ERISA preemption matters and have a long history of supporting city and state efforts to fill gaps in providing health and retirement benefits to their constituents.

Keller Rohrbach is routinely appointed lead or co-lead counsel in major employee benefit class actions. Our work in this complex and rapidly developing area has been praised by our clients, our co-counsel, and federal courts. Managing a complex, large-scale employee benefit case requires knowledge of employee benefit, securities, accounting, corporate, bankruptcy, and class action law. Keller Rohrbach has excelled in these cases by developing a deep understanding of ERISA and by drawing on our expertise in numerous related practice areas.

Keller Rohrbach has a very deep bench in ERISA matters. Lawyers at Keller Rohrbach have testified before Congress, served as editors of numerous employee benefit books and manuals, and written scholarly ERISA articles, amicus briefs, and comments to regulatory agencies overseeing ERISA plans. We are frequently featured speakers and presenters at prestigious legal education seminars on employee benefit class actions and ERISA. We have also served as fiduciaries and mediators.

We are involved in all aspects of ERISA litigation, from administrative reviews to district court trials to circuit court appeals to handling cases and filing amicus briefs in the U.S. Supreme Court. We are proud of our history, but we don't rest on

our laurels, we listen carefully to employees' and retirees' stories and craft cases that enforce ERISA's longstanding duties—which are the highest known to the law.

## REPRESENTATIVE CASES

### *In re IKON Off. Sols., Inc. Sec. Litig.*, MDL No. 1318 (E.D. Pa.)

The wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* No. 98-89 (D. Utah). In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for IKON's 401(k) plan, that the fiduciaries of the plan failed to provide complete and accurate information about company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements providing a total recovery to the Plans of \$111 million. Judge Marvin Katz granted final approval of the settlement in 2002.



# EMPLOYEE BENEFITS

## REPRESENTATIVE CASES continued

### *In re Enron Corp. Sec., Derivative ERISA Litig.*, MDL No. 1446 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action. After groundbreaking motions to dismiss decisions and several years of discovery, Keller Rohrback negotiated four separate settlements with different groups of Defendants, resulting in recoveries of over \$264 million. Judge Melinda Harmon approved the fifth and final settlement on February 23, 2007.

### *Reinhart v. Lucent Techs. Inc.*, No. 01-3491 (D.N.J.)

Keller Rohrback served as Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans who invested in Lucent stock. A settlement providing injunctive relief and the payment of \$69 million to the plan was approved by Judge Joel Pisano on December 12, 2003.

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity. . . . [Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions . . . [Keller Rohrback] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions." *In re WorldCom, Inc. ERISA Litig.*, No. 02-4816, 2004 WL 2338151, \*10 (S.D.N.Y. Oct. 18, 2004) (Cote, J.).

### *In re WorldCom, Inc. ERISA Litig.*, No. 02-4816 (S.D.N.Y.)

Keller Rohrback served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan who invested in WorldCom stock. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved by Judge Denise Cote on October 26, 2004 and November 21, 2005.

### *In re AIG ERISA Litig.*, No. 04-9387 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the AIG 401(k) retirement plans who invested in AIG stock. A settlement providing for injunctive relief and the payment of \$25 million to the plans was approved by Judge Kevin T. Duffy on October 8, 2008.

### *Alvidres v. Countrywide Fin. Corp.*, No. 07-5810 (C.D. Cal.)

Keller Rohrback served as Lead Counsel in this class action filed on behalf of participants and beneficiaries of the Countrywide 401(k) plan who invested in Countrywide stock. A settlement providing for injunctive relief and the payment of \$55 million to the plan was approved by Judge John F. Walter on November 16, 2009.

### *In re Global Crossing Sec. & ERISA Litig.*, No. 02-7453 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the GX defined contribution plans who invested in GX stock. A settlement providing injunctive relief and a payment of \$79 million to the plan was approved by Judge Gerard E. Lynch on November 24, 2004.





# EMPLOYEE BENEFITS

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## REPRESENTATIVE CASES continued

### *In re Merrill Lynch & Co., Inc. Sec., Derivative & ERISA Litig.*, No. 07-10268 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of Merrill Lynch's defined contribution plans who invested in Merrill Lynch stock. A settlement providing injunctive relief and a payment of \$75 million to the plans was approved by Judge Jed S. Rakoff on August 4, 2009.

### *In re Washington Mut. Inc., Sec., Derivative & ERISA Litigation*, No. 07-1874 (W.D. Wash.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed on behalf of participants and beneficiaries in the company's retirement plans who invested in Washington Mutual stock. On January 7, 2011, Judge Marsha J. Pechman granted final approval of the \$49 million settlement in the ERISA action.

### *Hodges v. Bon Secours Health Sys., Inc.*, No. 16-1079 (D. Md.)

Keller Rohrback served as co-counsel in this lawsuit alleging that Bon Secours Health System's seven defined benefit pension plans were improperly claiming an exemption from ERISA as "church plan(s)." In 2017, the Court granted final approval of a settlement providing for equitable relief, plus payment of over \$98 million to the Plans.

### *In re Bakery & Confectionery Union & Indus. Int'l Pension Fund Pension Plan*, No. 11-1471 (S.D.N.Y.)

Keller Rohrback and co-counsel filed this action alleging that an amendment to the Bakery & Confectionery Union & Industrial Pension Fund Pension Plan violated ERISA's anti-cutback provisions. Plaintiffs prevailed at both the district court and appellate levels, and Defendants implemented adjustments to reinstate the benefits due to eligible employees.

### *Palmason v. Weyerhaeuser Co.*, No. 11-695 (W.D. Wash.)

Keller Rohrback and co-counsel filed this action alleging that Weyerhaeuser and other fiduciaries caused its pension plan to engage in a risky investment strategy involving alternative investments and derivatives, causing the Plans' master trust to become underfunded. A settlement was reached for injunctive relief on behalf of the Plans' participants and beneficiaries.

### *In re State Street Bank & Tr. Co. ERISA Litig.*, No. 07-8488 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed in the Southern District of New York brought on behalf of participants and beneficiaries in the company's retirement plans. A settlement providing a payment of \$89.75 million was approved by Judge Richard J. Holwell on February 19, 2010.

### *In re Regions Morgan Keegan ERISA Litig.*, No. 08-2192 (W.D. Tenn.)

Keller Rohrback served as Co-Lead Class Counsel in this ERISA breach of fiduciary duty class action on behalf of participants and beneficiaries in the company's retirement plans as well as customer plans for which Regions served as a fiduciary. A settlement providing injunctive relief and a payment of \$22.7 million was approved by Judge Samuel H. Mays, Jr.

### *Gates v. United Healthcare Ins. Co.*, No. 11-3487 (S.D.N.Y.)

Keller Rohrback served as counsel in this lawsuit that alleged Defendants violated ERISA through use of an "estimating policy" which caused Medicare eligible participants and beneficiaries to be paid lower benefits than required by the plan in which they participate for services provided by out-of-network providers. Following an initial dismissal, Keller Rohrback successfully appealed to the Second Circuit Court of Appeals, and the district court then agreed with Plaintiff.



# EMPLOYEE BENEFITS

## REPRESENTATIVE CASES continued

### *Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Mgt. L.L.C.*, No. 09-8278 (S.D.N.Y.)

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

### *Griffith v. Providence Health & Servs.*, No. 14-1720 (W.D. Wash.)

Keller Rohrback served as Class Counsel in this lawsuit alleging that the Providence Health & Services Cash Balance Retirement Plan was improperly claiming an exemption from ERISA as a “church plan.” In 2017, the Court granted final approval of a class settlement of \$350 million to the Plan and a guarantee that the Plan’s trust will have sufficient assets to pay benefits as they come due; and additional administrative protections and other equitable relief for Plan participants.

### *Hunter v. Berkshire Hathaway, Inc.*, No. 14-663 (N.D. Tex.)

Keller Rohrback was class counsel in a case under ERISA against Berkshire Hathaway Inc. Plaintiffs alleged that, when Berkshire Hathaway acquired a subsidiary (“Acme”) in 2000, Berkshire Hathaway made promises in a merger agreement that amended Acme’s pension and 401(k) plans, and that Berkshire Hathaway violated ERISA and those promises when it allegedly caused Acme to freeze accrual of pension benefits and decrease the employer’s matching contribution to the 401(k) plan. On May 26, 2020, the Court granted final approval of the parties’ Class Action Settlement Agreement, providing the classes an estimated \$10 million in value and resolving Plaintiffs’ ERISA claims with no admission of liability by Berkshire Hathaway.

### *Lann v. Trinity Health Corp.*, No. 14-2237 (D. Md.)

Keller Rohrback served as Class Counsel in this lawsuit alleging that Trinity Health Corporation and Catholic Health East were improperly claiming an exemption from ERISA as “church plan.” In 2017, the Court granted final approval of a settlement providing for equitable relief, plus payment of over \$76 million to the Plan.

### *Spires v. Schools*, No. 16-616 (D.S.C.)

Keller Rohrback and co-counsel represented participants and beneficiaries in the Piggly Wiggly Employee Stock Ownership Plan (“ESOP”). The complaint alleged that Defendants breached their fiduciary duties by doing nothing as the value of the Piggly Wiggly stock plummeted by nearly 90%. A settlement providing a payment of between \$7.675 million and \$8.65 million was approved by Judge Richard M. Gergel.

### *Braden v. Wal-Mart Stores, Inc.*, No. 08-3109 (W.D. Mo.)

Keller Rohrback served as Lead Counsel in this class action on behalf of participants and beneficiaries of Wal-Mart’s 401(k) plan who invested in retail class mutual funds that charged excessive fees to participants and paid hidden fees to the plan’s trustee and recordkeeper, Merrill Lynch. The complaint alleged that the revenue sharing and other fees were excessive in light of the size of the plan, and that these fees were not properly disclosed. Our attorneys secured the *first appellate victory* in a fee case of this kind when they obtained an order from the Eighth Circuit reversing dismissal and articulating the pleading standard for process-based breaches of ERISA, see *Braden v. Wal-Mart Stores Inc.*, 588 F.3d 585 (8th Cir. 2009). A settlement that included \$13.5 million along with injunctive relief was approved by Judge Gary A. Fenner.



# EMPLOYEE BENEFITS

## REPRESENTATIVE CASES continued

### *Beach v. JPMorgan Chase Bank*, No. 17-563 (S.D.N.Y.)

Plaintiffs alleged that JPMorgan Chase Bank ("Chase") breached its fiduciary duties to the participants and beneficiaries of the JPMorgan Chase 401(k) Savings Plan ("Plan") in violation of ERISA by, among other things, failing to prudently and loyally manage the Plan's assets by selecting and retaining unduly expensive Core Funds and Target Date Funds as investment options in the Plan and by engaging in prohibited transactions as a result of conflicts of interest. On October 7, 2020, Judge Jesse M. Furman granted final approval of the \$9 million settlement of the action.

### *ERISA Indus. Comm. v. City of Seattle*, No. 18-1188 (W.D. Wash.)

Keller Rohrback was co-counsel (along with the City Attorney) in defending a Seattle ordinance that mandates that large hotels pay their employees additional compensation to allow them to better afford health care. A nationwide employer association brought suit claiming that the ordinance is preempted by ERISA. The United States District Court granted the City's motion to dismiss and the district court's decision was upheld on appeal. On November 21, 2022, the U.S. Supreme Court denied a petition for certiorari, thereby ending efforts to invalidate the City ordinance.

### *Rollins v. Dignity Health*, No. 13-1450 (N.D. Cal.)

Keller Rohrback served as co-counsel in this lawsuit alleging that the Dignity Health Pension Plan was improperly claiming an exemption from ERISA as a "church plan." In 2022, the Court granted final approval of a class settlement in excess of \$100 million to the Plan, additional minimum funding amounts paid into the Plan trust over several years, non-monetary changes, and certain equitable protections for Plan participants that are comparable to some of ERISA's key protections.

"The Court finds that . . . Keller Rohrback[] is experienced and qualified counsel who is generally able to conduct the litigation as lead counsel on behalf of the putative class. Keller Rohrback has significant experience in ERISA litigation, serving as co-lead counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Provident ERISA litigation, and experience in complex class action litigation in other areas of law" Order at 4, *In re Williams Cos. ERISA Litig.*, No. 02-153 (N.D. Okla. Oct. 28, 2002) (Holmes, J.).

### *Hoffman v. United Airlines, Inc.*, 21-06395 (N.D. Ill.)

Keller Rohrback and co-counsel represent former United employees in this class action lawsuit that alleges United Airlines ("United") violated ERISA or Illinois state law with respect to promised severance benefits. Plaintiffs seek payment of benefits and all other relief and damages due them under ERISA on behalf of themselves and other similarly situated former employees of United. In the alternative, Plaintiffs assert claims on behalf of themselves and the class under state law for breach of contract and seek specific performance and all other available relief in law and equity.

# ENVIRONMENTAL LITIGATION



## ATTORNEYS

Lynn Lincoln Sarko  
Laurie Ashton  
Derek Loeser  
Gretchen Freeman Cappio  
Alison Chase  
Adele Daniel  
Juli Farris  
Alison Gaffney  
Laura Gerber  
Gary Gotto  
Ron Kilgard  
Kate McCallum  
Daniel Mensher  
Yoona Park  
Matthew Preusch  
Chris Springer  
Michael Woerner

**Attorneys in Keller Rohrback's Complex Litigation Group have successfully represented individuals, class members, municipalities, and nonprofit organizations in complex and critical environmental litigation.** In cases involving oil spills, mishandled hazardous waste, contaminated consumer products, and industrial pollution, Keller Rohrback works to protect human health and the environment. The firm combines its unparalleled experience in consumer protection and its deep knowledge of environmental law, making Keller Rohrback a worldwide leader in litigation to safeguard our environment and the people and animals that rely on it.

## REPRESENTATIVE CASES

### PCB Litigation Against Monsanto Company on Behalf of State and Local Governments

Keller Rohrback has been retained by numerous state and local governments to pursue claims against Monsanto for the long-lasting and devastating impacts that Monsanto's polychlorinated biphenyls ("PCBs") have inflicted on fish, wildlife, ecosystems, and communities. Monsanto was the sole manufacturer of PCBs in the United States, selling over 1.4 billion pounds of these highly persistent and toxic chemicals. Although the manufacture of PCBs has been banned since the late 1970s, PCBs continue to contaminate land, water, and nearly all living things. By

pursuing these cases against the Monsanto defendants, Keller Rohrback is working to hold Monsanto responsible for the environmental contamination and degradation it has inflicted upon communities across the United States for generations.

### *Oregon v. Monsanto Co., No. 18-540 (Or. Cir. Ct., Multnomah Cnty.)*

Oregon appointed Keller Rohrback to represent the State in this landmark case seeking to hold Monsanto responsible for the harm its Polychlorinated Biphenyls ("PCBs") have caused to Oregon's environment, including its waters and wildlife. Keller Rohrback, together with co-counsel Stoll Berne, filed the complaint in 2018. On December 15, 2022, Monsanto agreed to pay \$698 million to the State of Oregon to resolve the State's claims.

### *Delaware v. Monsanto Co., No. N21C-09-179 MMJ CCLD (Del. Super. Ct., New Castle Cnty.)*

The State of Delaware hired Keller Rohrback to pursue claims against Monsanto sounding in nuisance, trespass, and unjust enrichment. Keller Rohrback and the State of Delaware's Complaint was filed on September 22, 2021 in the Superior Court of the State of Delaware. Defendants filed their Motion to Dismiss on December 17, 2021, and upon conclusion of briefing and oral argument, the Court granted Defendants' Motion. The State appealed the Superior Court's decision to the Delaware Supreme Court. The State's opening brief was filed on September 27, 2022. Briefing concluded in November, and oral argument on the appeal was heard on March 29, 2023. The parties now await the Delaware Supreme Court's order.

### *Maryland v. Monsanto Co., No. 24C21005251 (Md. Cir. Ct., Baltimore City)*

Keller Rohrback filed a complaint on behalf of The State of Maryland against Monsanto in November 2021. In May 2022, the Court denied Monsanto's Motion to Dismiss and the case is in discovery.

# ENVIRONMENTAL LITIGATION



## OTHER REPRESENTATIVE CASES

### *City of Seattle v. Monsanto Co.*, No. 16-107 (W.D. Wash.)

Keller Rohrback represents the City of Seattle in its public nuisance case against Monsanto, whose PCBs contaminate the Lower Duwamish Waterway. Discovery, which closed last year, required review of hundreds of thousands of documents. Keller Rohrback, working closely with the City, took or defended over a dozen fact and 30(b)(6) depositions. Expert discovery is also complete and *Daubert* motions filed. The parties filed competing motions for summary judgment before Judge Jones and Magistrate Judge Peterson. Magistrate Judge Peterson has ruled in favor of the City of Seattle on its motion, however, Judge Jones has yet to rule on the Defendants' Motion for Summary Judgment at this time. At a recent Status Conference, Judge Jones vacated the trial schedule and ordered the parties to file a Status Report on October 27, 2023.

### *Andrews v. Plains All Am. Pipeline L.P.*, No. 15-4113 (C.D. Cal.)

Keller Rohrback serves as Co-Lead Counsel representing fisherman, fish processors, and others affected by the May 2015 spill from Plains All American's Line 901 pipeline in Santa Barbara County. The oil spill contaminated pristine beaches, closed critical fishing grounds, and damaged natural resources throughout the region. Keller Rohrback sought compensation for victims of the spill for their present and future damages and to hold Plains accountable for the harm it caused to the fishers and property owners. In May 2022 a settlement was reached on behalf of a Fisher Class for \$184 million and on behalf of a Property Class for \$46 million. The settlement has been preliminarily approved, and is pending final approval from the Court.

### *Resendez v. Precision Castparts Corp.*, No. 16-16164 (Or. Cir. Ct. Multnomah Cnty.)

Keller Rohrback represented a class of homeowners and residents in Multnomah and Clackamas County who sought relief from Precision Castparts Corp. for the company's heavy metal particulate air pollution that clouded their neighborhood and unreasonably interfered with their real property rights. Plaintiffs prevailed on the defendants' motions to dismiss and for summary judgment. In May 2022, the Court granted Final Approval of a Class Action Settlement, which included a \$12.5 million settlement fund for cash payments to class members, and millions of additional dollars in enhanced pollution controls at the Precision Castparts facilities in Southeast Portland.

### *Meeker v. Bullseye Glass Co.*, No. 16-7002 (Or. Cir. Ct., Multnomah Cnty.)

Keller Rohrback successfully negotiated a classwide settlement with Bullseye Glass Co. ("Bullseye") for contaminating a residential neighborhood in Portland, Oregon, by emitting hazardous levels of arsenic, cadmium, chromium, and other toxic materials from its glass-making facility for years. Despite using thousands of pounds a year of dangerous heavy metals, Bullseye Glass had used no pollution control technology for more than four decades. Using innovative air and soil monitoring, Keller Rohrback helped this neighborhood to protect itself and hold Bullseye accountable for the harm it caused. The final settlement approved by the Court included a two-year air monitoring program, ongoing use of pollution control devices by the defendant, and significant monetary payments to class members, including reimbursement for air emissions-related expenses.



# ENVIRONMENTAL LITIGATION



## OTHER REPRESENTATIVE CASES continued

### *Southern California Gas Leak Cases, No. JCCP 4861 (Cal. Super. Ct., Los Angeles Cnty.)*

This action concerns one of the worst human-caused environmental disasters in this nation's history. These consolidated cases stem from the massive blowout at a natural gas storage well at the Aliso Canyon Natural Gas Storage Facility beginning in 2015. The blowout raged out of control for over 100 days, spewing huge volumes of natural gas, its constituents, and other toxic chemicals into the surrounding community. When the blowout was finally contained, it had released a volume of methane gas that caused a 25% increase in all of California's greenhouse gas emissions in 2015. Over 22,000 residents living within a 5-mile radius of the blowout were forced from their homes when their properties and schools were contaminated with a soup of toxic chemicals and known carcinogens. In April 2022, the Court granted final approval of a class action settlement to resolve the property-related claims of these residents pending before the Superior Court of California, County of Los Angeles. Keller Rohrback served on the Plaintiffs' Steering Committee for the Class Action Track for this action.

### *Clean Water Act Enforcement – General Magnaplate*

In partnership with the non-profit Environmental Defense Center, one of the oldest environmental organizations in the United States, Keller Rohrback helped reach a final settlement with General Magnaplate California to control the significant pollutants the company discharged via stormwater into the fragile Santa Clara River. Under the settlement, General Magnaplate agreed to implement enhanced storm water management measures at its electroplating facility to ensure that storm water runoff does not contain high levels of pollutants that pose a threat to human health and the environment. These measures include installing effective treatment technology and repairing paved surfaces. In addition, General Magnaplate will contribute \$15,000 to the Rose Foundation for Communities and the Environment to be used to improve the water quality in the Santa Clara River watershed.

### *In re Chrysler-Dodge-Jeep EcoDiesel Mktg, Sales Pracs., & Prods. Liab. Litig., MDL No. 2777 (N.D. Cal.)*

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

### *In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., and Prods. Liab. Litig., No. 3:15-md-02672 (N.D. Cal.)*

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen's fraudulent use of an emissions "defeat device" in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs' Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S. history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.



# ENVIRONMENTAL LITIGATION

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## OTHER REPRESENTATIVE CASES continued

### *In re Exxon Valdez*, No. 89-95 (D. Alaska)

Keller Rohrback was trial counsel representing fishermen, landowners, and businesses located in Prince William Sound in their action against Exxon to recover damages caused by the Exxon Valdez oil spill. A federal jury awarded a \$5 billion judgment in favor of Keller Rohrback clients. At the time, it was the largest punitive damages verdict in U.S. history. Additional claims against the Alyeska Pipeline Service Company were settled for \$98 million. More than 25 years after the tragic spill, the Exxon Valdez spill is still considered one of the most devastating human-caused environmental disasters. In addition, Keller Rohrback Managing Partner Lynn Sarko was appointed to serve as the Administrator of the Exxon and Alyeska Qualified Settlement Funds.

### *Wishtoyo Found. v. Magic Mountain LLC*, No. 12-5600 (C.D. Cal.)

Keller Rohrback worked with a team of environmental lawyers on behalf of Los Angeles-based clients who successfully negotiated a groundbreaking settlement with Six Flags Magic Mountain to address its stormwater pollution discharged to the Santa Clara River. The settlement significantly reduced the amount of heavy metals and other pollutants entering the Santa Clara from the amusement park by requiring the facility to install state-of-the-art technology, develop and implement a comprehensive site management plan, and fully comply with the Clean Water Act. Additional monetary payments made by Six Flags as a result of the case are being used to perform critical habitat restoration and mitigation projects along the Santa Clara River.

### *Mapleton Groundwater Litig. (Ruff v. Ensign-Bickford Indus.)*, No. 99-120B (D. Utah)

Keller Rohrback attorneys successfully litigated a series of groundwater contamination suits against multiple international Defendants accused of releasing hazardous chemicals into the watershed over six decades. The suits were brought on behalf of individuals and their families against Defendants who owned a former explosives plant in Mapleton, Utah. The Plaintiffs alleged that improper waste disposal caused contaminants to seep into the groundwater and that the chemicals caused property damage and non-Hodgkin's lymphoma cancers affecting numerous residents. The matter involved complex scientific issues related to hydrogeology, chemical migration pathways, aquifer dynamics, clean-up methods, and contaminant degradation. The litigation resolved prior to trial after lengthy evidentiary hearings at which Plaintiffs received favorable Daubert rulings.

# GOVERNMENTS AND MUNICIPALITIES



## ATTORNEYS

Lynn Lincoln Sarko  
Derek Loeser  
Laurie Ashton  
Gretchen Freeman Cappio  
Alison Chase  
Felicia Craick  
Juli Farris  
Kylie Fisher  
Alison Gaffney  
Laura Gerber  
Matthew Gerend  
Garrett Heilman  
Dean N. Kawamoto  
David Ko  
Cari C. Laufenberg  
Jeffrey Lewis  
Daniel Mensher  
Matthew Preusch  
Erin Riley  
Michael Woerner

**Keller Rohrback has successfully represented government entities in a wide range of complex litigation.** Whether fighting environmental contamination, combating antitrust activities, or recovering hundreds of millions of dollars from misleading investments, Keller Rohrback knows how to work effectively and collaboratively with and for government clients. Our unparalleled experience in consumer protection, antitrust and other areas of law—plus our hands-on, cooperative approach to litigation—have made our firm an effective partner for governments, sovereign nations and government-sponsored entities.

## REPRESENTATIVE CASES

### *In re JUUL Labs, Inc., Mktg., Sales Pracs., and Prods. Liab. Litig., MDL No. 2913 (N.D. Cal.)*

Keller Rohrback serves as Co-Lead Counsel in the JUUL MDL, in which it represents county governments, a sovereign tribe, and school districts bringing public nuisance claims against JUUL and Altria for creating the youth vaping crisis. Keller Rohrback also represents, along with co-counsel, the State of Alaska in similar claims against JUUL and Altria that are pending in Alaska state court. The government and school district plaintiffs allege that the JUUL and Altria defendants knowingly targeted youth in their marketing of addictive e-cigarettes, resulting in skyrocketing rates of youth vaping and nicotine addiction and the undoing of years of public health progress in combatting youth use of tobacco products. In December 2022, Keller Rohrback, along with its co-lead counsel in the JUUL MDL announced a settlement with JUUL on the eve of trial. The case against Altria proceeded to trial in April 2023. After Plaintiffs rested their case, a \$235 million settlement in principle was reached with Altria and

was announced on May 10, 2023. The scope of the MDL settlement is enormous, resolving 8,500 personal injury cases, over 1,400 county, city, and school district cases, and 32 tribal cases.

### *In re Nat'l. Prescription Opiate Litig., MDL No. 2804 (N.D. Ohio)*

Keller Rohrback represents multiple government entities in the sprawling *In re National Prescription Opiate Litigation*, MDL pertaining to the well-publicized opioid epidemic that has ravaged the United States. Keller Rohrback has been responsible for the work of multiple critical experts, and has managed the litigation against key defendants, including Mallinckrodt, the manufacturer with the largest opioid market share. Keller Rohrback also helped manage discovery and played a key role in the work up of the claims against Walmart, one of three pharmacy defendants in the jury trial presided over by Honorable Dan Aaron Polster of the Northern District of Ohio on November 23, 2022. The jury found CVS Health, Walgreens, and Walmart, contributed to a “public nuisance” through the sale of prescription narcotics and were legally liable for contributing to the opioid epidemic in two Ohio counties. Some defendants in this litigation have settled, allowing billions of dollars in settlement funds to flow to municipalities across the country. Litigation against the remaining defendants is ongoing. Keller Rohrback also has been instrumental in the leadership and development of several statewide Memoranda of Understanding (MOU) that govern how MDL related settlement funds will be distributed.

# GOVERNMENTS AND MUNICIPALITIES



## REPRESENTATIVE CASES continued

### *In re Liquid Aluminum Sulfate Antitrust Litig.*, MDL No. 2687 (D.N.J.)

In 2016, Keller Rohrback filed numerous class action complaints in federal courts on behalf of several municipalities in Washington, California, and Arizona that purchase and use liquid aluminum sulfate (“Alum”) to treat and clean their waste water. The complaints contained claims against the major manufacturers of Alum who allegedly engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. As a result of these antitrust violations, municipalities – and their taxpayers – had overpaid millions of dollars to the co-conspirators for the Alum they purchased during the long life of this conspiracy. In March 2020, the Court authorized the transfer of settlement funds to pay claims of the Settlement Class Members.

### *Republic of the Marshall Islands v. United States*, No. 14-1885 (N.D. Cal.)

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons. We also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this ground-breaking work, Keller Rohrback and the RMI’s former Foreign Minister, Tony deBrum, were nominated for the 2016 Nobel Peace Prize.

### *Daisy Mountain Fire Dist. v. Microsoft Corp.*, MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in excess of \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft at inflated rates because of Microsoft’s monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

### Federal Home Loan Bank Litigation

Keller Rohrback has represented several Federal Home Loan Banks (“FHLBs”) in mortgage-backed securities litigation across the country against dozens of issuers, underwriters, and sponsors of these complex instruments. Representing these government-sponsored enterprises simultaneously in multiple state and federal courts has required us to approach coordinated, complex litigation by mastering the law of various jurisdictions and pressing similar claims, albeit under different governing law, in multiple fora at the same time. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of over \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

### *Navajo Nation v. Urban Outfitters, Inc.*, No. 12-197 (D. N.M.)

Keller Rohrback represented the Navajo Nation against Urban Outfitters and its Anthropologie and Free People subsidiaries, alleging that these retailers infringed the Nation’s trademarks by marketing inauthentic jewelry, handbags, and clothing using the NAVAJO mark. A settlement resolved the Nation’s claims, and the parties agreed to enter a supply agreement that requires Urban Outfitters to purchase authentic goods from tribal artisans.

# GOVERNMENTS AND MUNICIPALITIES



## REPRESENTATIVE CASES continued

### Social Media Litigation

Keller Rohrback has filed complaints on behalf of school districts in Washington, Arizona, Oregon, and California that allege that social media companies have substantially contributed to the mental health crisis America's youth are facing. The school districts allege that social media companies contributed to this crisis by, among other things, intentionally designing, marketing, and operating their exploitive social media platforms to target and hook youth users, despite research confirming the severe and wide-ranging effects of excessive and problematic social media use on youth mental health.

### *ERISA Indus. Comm. v. City of Seattle, No. 18-1188 (W.D. Wash.)*

Keller Rohrback is co-counsel (along with the City Attorney) in defending a Seattle ordinance that mandates that large hotels pay specified amounts of money for employee health care. A nationwide employer association brought suit claiming that the ordinance is preempted by ERISA. The U.S. District Court granted the City's motion to dismiss. The district court's decision was recently upheld on appeal, and the Supreme Court recently denied a petition for certiorari of that decision.

### *King County v. Lexington Ins. Co., No. 15-2-3541-0 (Wash. Super. Ct. King Cnty.)*

Keller Rohrback represented King County, Washington, in a multi-million-dollar insurance coverage and bad faith lawsuit arising from a disaster at the County's Brightwater Wastewater Treatment Facility. Our litigation returned millions of dollars to the taxpayers and allowed the County to upgrade its treatment facility to prevent future malfunctions.

### *Village of Rockton v. Sonoco Prods. Co., No. 14-50228 (N.D. Ill.)*

Keller Rohrback represented the Village of Rockton in its efforts to make Sonoco Products Company, a paper and plastics manufacturing company, clean up the toxic mess it left when it abandoned its facility in the heart of the Village. Although the Illinois Environmental Protection Agency concluded that the levels of contamination at the site far exceeded state and federal laws and were threatening to spread to other sites in town and pollute the river, Sonoco refused to take any action. That changed, however, when Keller Rohrback began working on the case.

Using the experience and skills of the attorneys at Keller Rohrback, the Village took matters into its own hands and commenced legal action against Sonoco to protect the health and well-being of its dynamic community. As a result of Keller Rohrback's intervention, Sonoco has cleaned up the site and left the Village of Rockton a now safer and better place. Our firm is committed to making communities like Rockton clean and healthy places to live and visit.

### *Oregon v. Monsanto Co., No. 18-540 (Multnomah Cnty. Cir. Ct., Oregon)*

Oregon appointed Keller Rohrback to represent the State in this landmark case seeking to hold Monsanto responsible for the harm its Polychlorinated Biphenyls ("PCBs") have caused to Oregon's environment, including its waters and wildlife. Keller Rohrback, together with co-counsel Stoll Berne, filed the complaint in 2018. On December 15, 2022, Monsanto agreed to pay \$698 million to the State of Oregon to resolve the State's claims.

# GOVERNMENTS AND MUNICIPALITIES

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## REPRESENTATIVE CASES continued

### *Delaware v. Monsanto Co.*, No. N21C-09-179 MMJ CCLD (New Castle Cty. Superior Ct., DE)

The State of Delaware hired Keller Rohrback to pursue claims against Monsanto sounding in nuisance, trespass, and unjust enrichment. The complaint was filed in September 2021, and the case is currently pending before the Delaware Supreme Court. The State appealed the Superior Court's decision to the Delaware Supreme Court. The State's opening brief was filed on September 27, 2022. Briefing concluded in November, and oral argument on the appeal was heard on March 29, 2023. The parties now await the Delaware Supreme Court's order.

### *Maryland v. Monsanto Co.*, No. 24C21005251 (Baltimore City Cir. Ct., MD)

Keller Rohrback filed a complaint on behalf of The State of Maryland against Monsanto in November 2021. In May 2022, the Court denied Monsanto's Motion to Dismiss and the case is in discovery.

### *City of Seattle v. Monsanto Co.*, 16-107 (W.D. Wash.)

Keller Rohrback represents the City of Seattle in its public nuisance case against Monsanto, whose PCBs contaminate the Lower Duwamish Waterway. Discovery, which closed last year, required review of hundreds of thousands of documents. Keller Rohrback, working closely with the City, took or defended over a dozen fact and 30(b)(6) depositions. Expert discovery is also complete and *Daubert* motions filed. The parties filed competing motions for summary judgment before Judge Jones and Magistrate Judge Peterson. Magistrate Judge Peterson has ruled in favor of the City of Seattle on its motion, however, Judge Jones has yet to rule on the Defendants' Motion for Summary Judgment at this time. At a recent Status Conference, Judge Jones vacated the trial schedule and ordered the parties to file a Status Report on October 27, 2023.



# INSURANCE COVERAGE

## ATTORNEYS

Lynn Lincoln Sarko  
Gretchen Freeman Cappio  
Alison Chase  
Benjamin Gould  
Irene Hecht  
Nathan Nanfelt

**Keller Rohrback's insurance coverage lawyers have represented policyholders and insurers in state and federal courts for over 50 years.** We have been at the forefront of policy interpretation and litigation to ensure that policyholders get the full benefit of the insurance coverage they purchased. Our litigation experience in this area includes coverage questions, breach of contract, insurance bad faith, negligent claims handling, violations of the Insurance Fair Conduct Act, and breach of the duty to defend. Our team has unmatched experience representing policyholders in cases involving business interruption coverage, dependent property coverage, home and property insurance, life and health insurance, professional insurance, and general and surplus insurance.

## REPRESENTATIVE CASES

*Merriman v. Am. Guarantee & Liab. Ins. Co.*, 198 Wn. App. 594, 396 P.3d 351, *rev. denied*, 189 Wn.2d 1038, 413 P.3d 565 (2017)

Keller Rohrback successfully litigated this action in the Washington Court of Appeals, establishing a policyholder's right to bring claims against insurance claim service providers. *Merriman* has been cited by other courts more than twenty times, including by the Washington Supreme Court, the Washington Court of Appeals, the Iowa Supreme Court, and the Ninth Circuit. The decision has been cited more than 60 times in litigation reporters and in secondary sources, including *Couch on Insurance*, *American Law Reports*, and *Corpus Juris Secundum*.

*Glendale & 27th Invs., LLC v. Delos Ins. Co.*, 610 F. App'x 661 (9th Cir. 2015)

After Keller Rohrback's jury trial landed a punitive damages award against the insurer with a ratio of "roughly 3.5," *id.* at 663, the firm successfully defended an appeal seeking to overturn the punitive jury award as unconstitutional. The Ninth Circuit affirmed the jury's award of punitive damages, finding that plaintiff had presented evidence at trial, among other things, that the insurer "made intentional and material misrepresentations in the administration of [plaintiff's] claim." *id.* at 662.

*Utica Mut. Ins. Co. v. Lifequotes of Am., Inc.*, No. 06-0228 (E.D. Wash.)

Keller Rohrback was awarded a series of significant class action judgments against defendant Lifequotes of America, Inc. in King County Superior Court in 2007. Facing an insolvent defendant, the class then purchased the claims and rights of defendant Lifequotes against its insurance company, Utica Mutual Insurance Company. Keller Rohrback continued to represent the class, who stepped into the shoes of the former defendant, on the new claims, and litigated against Utica Mutual in federal court in the Eastern District of Washington. The class pursued counterclaims against Utica Mutual for coverage, bad faith, and violations of the Washington Consumer Protection Act. Keller Rohrback's hard-fought and successful litigation against insurer Utica Mutual resulted in a \$44 million recovery for the class.



# INSURANCE COVERAGE

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## REPRESENTATIVE CASES continued

### *The Charter Oak Fire Ins. Co., v. 21st Century Oncology Invs., LLC*, No. 17-582-MSS-AEP (M.D. Fla.)

Keller Rohrback represents plaintiffs and a proposed class in a data breach action against healthcare provider 21st Century Oncology. Insurers sued the insured as well as the data breach plaintiffs for a declaration that there was no duty to defend and indemnify. After 21st Century declared bankruptcy, the data breach plaintiffs reached an agreement for relief from the automatic stay and an assignment of rights to a number of 21st Century's insurance policies. Keller Rohrback's clients then asserted counterclaims against the insurer, briefed cross motions for summary judgment involving unsettled law, and recently reached an agreement to settle.

### *Group Health Coop. v. Coon*, 193 Wn.2d 841, 447 P.3d 139 (2019)

Keller Rohrback successfully represented the policyholder before the Washington Supreme Court, and prevailed in reaffirming the made-whole doctrine in favor of policyholders in insurance subrogation claims.



# INTERNATIONAL LAW

## ATTORNEYS

Lynn Lincoln Sarko  
Laurie Ashton  
Alison Chase  
Juli Farris  
Gary A. Gotto

**Keller Rohrbach has experience in international forums.** Keller Rohrbach clients included sovereign nations, state and local governments, sovereign Native American tribes, and quasi-governmental agencies where international agreements or other tort or statutory claims are at issue.

Keller Rohrbach has been honored to represent sovereigns in litigation and arbitration matters involving governmental and business entities. The firm's attorneys have argued cases in the International Court of Justice and pursued a breach of treaty claim on behalf of a sovereign nation. Keller Rohrbach is also investigating environmental contamination claims on behalf of a sovereign nation.

Keller Rohrbach attorneys have also represented clients in international arbitration proceedings, including International Centre for Dispute Resolution and International Chamber of Commerce arbitrations, as well as ad hoc arbitrations conducted under the United Nations Commission on International Trade Law Arbitration Rules. Domestically, these international arbitrations have given rise to related litigation in U.S. courts, including confirmation and enforcement proceedings under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

In addition, Keller Rohrbach attorneys have represented private clients with international interests in civil litigation in U.S. courts, including state and federal courts in California, New York, Illinois, and Texas. Keller Rohrbach attorneys have litigated trademark claims on foreign-registered trademarks in several western European countries and have also succeeded in obtaining rulings to conduct depositions and other discovery in Russia for litigation matters pending in the U.S. federal courts. The firm has also represented claimants in insolvency proceedings in Canada, proceeding under the Companies' Creditors Arrangement Act.



Keller Rohrbach is a member firm of several international organizations: the Global Justice Network, a consortium of international counsel working together and across borders for the benefit of victims; the International Financial Litigation Network of attorneys, who handle cross-border litigation in the finance arena; and the Sovereign Wealth Fund Institute, a global organization of asset managers and service providers.

## REPRESENTATIVE CASES

### *Republic of the Marshall Islands v. United States*, No. 14-1885 (N.D. Cal.)

Keller Rohrbach represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons and also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this groundbreaking work, Keller Rohrbach was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize as part of the international legal team, together with the RMI's former Foreign Minister, Tony deBrum.

# SECURITIES AND FINANCIAL FRAUD



## ATTORNEYS

Lynn Lincoln Sarko  
Derek Loeser  
Alison Chase  
Juli Farris  
Laura Gerber  
Matthew Gerend  
Gary A. Gotto  
Benjamin Gould  
Dean N. Kawamoto  
Ron Kilgard  
David Ko  
Eric Laliberte  
Ryan McDevitt  
David S. Preminger  
Erin Riley  
Havila C. Unrein  
Michael Woerner

**Keller Rohrback enjoys a national reputation for excellence in prosecuting securities and financial fraud matters.** We represent a variety of investors ranging from classes of individuals to large institutions. Many of our cases reflect recent financial scandals: we are pursuing claims against a group of international banks for rigging LIBOR; we represent investors in connection with their purchases of billions of dollars of mortgage-backed securities; and we pursued claims on behalf of employee benefit plans in connection with the Madoff Ponzi scheme. While our experience is diverse, our approach is simple and straightforward: we master the factual and legal bases for our claims with a focus on providing clear and concise explanations of the financial fraud and why our clients are entitled to recover.

## REPRESENTATIVE CASES

### Federal Home Loan Bank Litigation

Keller Rohrback has played a prominent role in large securities fraud and other investment cases litigated across the country involving mortgage-backed securities. Keller Rohrback has been retained by several Federal Home Loan Banks (FHLBs) to pursue securities and common law claims against dozens of issuers, underwriters, and sponsors of mortgage-backed securities. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

### *In re the Bank of N.Y. Mellon (as Trustee), No. 651786/11 (N.Y. Sup. Ct.)*

Keller Rohrback was a member of the three-firm steering committee addressing significant mortgage repurchase issues that impacted institutional investors. Keller Rohrback represented certificate holders who intervened in a proposed \$8.5 billion settlement initiated by Bank of New York Mellon, as Trustee of 530 Countrywide mortgage-backed securities trusts. Our firm played a lead role in discovery and the eight-week bench trial in New York contesting the fairness of the settlement. The objection we pursued and tried was the only objection the trial court sustained.

### *In re LIBOR-Based Fin. Instruments Antitrust Litig., No. 11-2262 (S.D.N.Y.)*

Keller Rohrback represents institutional funds pursuing antitrust claims based on the manipulation of the London Interbank Offered Rate (LIBOR) by the international panel of banks entrusted to set that rate. Multiple government investigations have revealed that certain panel banks manipulated LIBOR to mislead the markets and investors about the state of their financial health. The case is in discovery.

### *Diebold v. Northern Tr. Invs., N.A., No. 09-1934 (N.D. Ill.)*

Keller Rohrback was Class Counsel in this class action litigation against Northern Trust alleging that Northern Trust imprudently structured and managed its securities lending program by improperly investing cash collateral in long term debt, residential mortgage-backed securities, structured investment vehicles ("SIVs"), and other risky and illiquid assets. On August 7, 2015, Judge Susan E. Cox approved the allocation plan for a \$36 million settlement.

# SECURITIES AND FINANCIAL FRAUD



## REPRESENTATIVE CASES continued

### *Louisiana Firefighters' Ret. Sys. v. Northern Tr. Invs., N.A., No. 09-7203 (N.D. Ill.)*

Keller Rohrback was Co-Lead Counsel in this securities lending litigation, a class action brought on behalf of four public retirement systems alleging that Northern Trust breached its fiduciary and contractual duties to investors when it imprudently structured and managed its securities lending program by improperly investing cash collateral in long-term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets, rather than conservative, liquid investments. Plaintiffs allege that Northern Trust's imprudent management of the collateral pools caused Plaintiffs and other investors to suffer hundreds of millions of dollars in losses. On May 6, 2011, the Honorable Robert W. Gettleman denied in significant part Defendants' motion to dismiss. Plaintiffs also successfully defeated Defendants' third party complaint. The Court thereafter approved a partial settlement of \$24 million in cash, plus interest earned thereon, which represents settlement of the indirect lending claims of settlement class members.

### *In re Bank of N.Y. Mellon Corp. Forex Transactions Litig., No. 12-2335 (S.D.N.Y.)*

Keller Rohrback served as Lead ERISA Counsel in this class action against the Bank of New York Mellon ("BNY Mellon") arising from its undisclosed charges for Standing Instruction Foreign Currency ("SI FX") transactions. Plaintiffs allege that between January 12, 1999 and January 17, 2012, BNY Mellon breached its fiduciary duties by failing to prudently and loyally manage the Plan's foreign currency transactions in the best interests of the participants, failing to disclose fully the details of the relevant SI FX transactions it was undertaking on behalf of the Plans, and engaging in prohibited transactions. In March 2015, a global resolution of the private and governmental enforcement actions was announced in which \$504 million will be paid back to BNY Mellon customers—\$335 million of which is directly attributable to funds received in the class litigation.

### *Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Mgmt. LLC, No. 09-8278 (S.D.N.Y.)*

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

### *In re IKON Off. Sols., Inc. Sec. Litig., MDL No. 1318 (E.D. Pa.)*

Keller Rohrback served as Co-Lead Counsel representing the City of Philadelphia and eight other lead Plaintiffs in this certified class action alleging securities fraud. Class counsel achieved the highest securities fraud settlement at that time in the Eastern District of Pennsylvania by settling with Defendant IKON Office Solutions, Inc. for \$111 million. The settlement was listed as one of the "largest settlements in class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995" by *USA Today*.

### *In re Apple Comput., Inc. Derivative Litig., No. 06-4128 (N.D. Cal.)*

Keller Rohrback served on the Management Committee in this federal derivative shareholder action against nominal Defendant Apple Computer, Inc. and current and former directors and officers of Apple. Plaintiffs pursued breach of fiduciary duty, unjust enrichment, and gross mismanagement claims arising from backdated stock options granted between 1993 and 2001, which diverted millions of dollars of corporate assets to Apple executives. We achieved a settlement that awarded \$14 million—one of the largest cash recoveries in a stock backdating case—and that required Apple to adopt a series of unique and industry-leading corporate enhancements.

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## DEREK LOESER

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
dloeser@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Financial Products & Services
- Governments and Municipalities
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities Fraud
- Whistleblower

**Derek is a senior partner in Keller Rohrbach's nationally recognized Complex Litigation Group and a member of the firm's Executive Committee.**

Derek's passion for holding large corporations accountable for wrongdoing has helped recover billions of dollars for consumers, retirees, governments and institutions. He has served in leadership roles in major complex cases across the country. Currently, he is co-lead counsel in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, the MDL litigation against Facebook stemming from the Facebook Cambridge Analytica scandal.

Derek also serves as lead counsel for the Wells Fargo unauthorized account consumer class action. In this case, Derek and the Keller Rohrbach team achieved a \$142 million settlement requiring the bank to refund all improper fees and provide first-of-its kind credit damage reimbursement, among other relief, to Wells Fargo customers.

In addition to his class action work, Derek helps manage the Keller Rohrbach team representing state and local government entities in a number of matters involving significant public health crises. For example, Derek leads the Keller Rohrbach team litigating government cases against opioid manufacturers and distributors in *In re National Prescription Opiate Litigation*. In the Opioid MDL, Derek serves on the Expert and Law & Briefing Committees, and directs the litigation against a major generic opioid manufacturer. He also represents school districts and counties in litigation against the e-cigarette company, JUUL, for targeting and addicting youth. These cases are quintessential examples of the type of litigation Derek and the Keller Rohrbach team fervently pursue: corporate fraud and malfeasance causing serious harm to the public.

Some of Derek's other notable cases include mortgage-backed securities cases on behalf of the Federal Home Loan Banks of Chicago, Indianapolis and Boston; ERISA class cases on behalf of employees whose retirement savings were decimated by corporate fraud and abuse on the part of Enron, WorldCom, Countrywide, and Washington Mutual, among others. He has also litigated fraud, RICO, and antitrust cases against drug manufacturers, pharmacy benefit managers, and insurance companies for conspiring to drive up the cost of life-saving medications such as insulin.

Many of Derek's cases have required coordinating with state and federal agencies involved in litigation that parallels cases pursued by Keller Rohrbach, including state attorneys general, the Department of Justice, and the Department of Labor. In addition, Derek has extensive experience negotiating complex, multi-party settlements, and coordinating with the many parties and counsel necessary to accomplish this. He is also frequently asked to speak at national conferences about class actions, public health litigation, ERISA, and other complex litigation topics.

# KELLER ROHRBACK

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Before joining Keller Rohrbach, Derek served as a law clerk for the Honorable Michael R. Hogan, U.S. District Court for the District of Oregon. He was also employed as a trial attorney in the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

## EDUCATION

### Middlebury College

B.A., *summa cum laude*, 1989, American Literature (highest department honors), Stolley-Ryan American Literature Prize, Phi Beta Kappa

### University of Washington School of Law

J.D., *with honors*, 1994

## HONORS & AWARDS

Lawdragon, 500 Leading Plaintiff Financial Lawyers, 2023

Listed as Lawdragon 500 Leading Lawyers in America 2018, 2022 and 2023

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2007-2012, 2014-2022

AV®, Peer Review Top-Rated by Martindale-Hubbell

Recipient of the 2010 Burton Award for Legal Achievement for the article, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty, Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009)

Selected to Rising Stars list in Super Lawyers - Washington, 2005-2007

U.S. Department of Justice Award for Public Service, 1996

U.S. Department of Justice Achievement Award, 1996

U.S. Department of Justice Honors Program Hire, 1994

## BAR & COURT ADMISSIONS

1994, Washington

1998, U.S. District Court for the Western District of Washington

1998, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

2002, U.S. District Court for the Eastern District of Michigan

2004, U.S. District Court for the Northern District of Illinois

2006, U.S. Court of Appeals for the Eleventh Circuit

2009, U.S. Court of Appeals for the Eighth Circuit

2010, United States Supreme Court

2010, U.S. Court of Appeals for the Fourth Circuit

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the First Circuit

2017, New York

## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Employment Benefits Committee Member*

National Employment Lawyers Association, *Member*

American Civil Liberties Union of Washington, *Cooperating counsel*



# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

## PUBLICATIONS & PRESENTATIONS

Panelist, Law Seminars International - Health Care Class Actions: The Role of Class Actions as a Path to Recovery of Damages Related to the Opioid Crisis - *Class certification issues for human health impacts vs. financial impacts on government entities*, November, 2020.

Panelist, HarrisMartin's MDL Conference: JUUL and Capital One Data Breach Litigation – JUUL, E-Cigarettes & Vaping Litigation – An Overview of JUUL Legal Landscape: Case Filings, Judicial Rulings and MDL Submissions, Beverly Hills, CA, September, 2019.

Panelist, HarrisMartin's MDL Conference: Opioid, Equifax & Talcum Powder – *Opioid Litigation Landscape: Venues, Jurisdictional Hurdles, Defenses and Cause of Action*, St. Louis, MO, November, 2017.

Panelist, HarrisMartin's National Opioid Litigation Conference - *Current Landscape of Opioid Litigation*, Chicago, IL, October, 2017.

Speaker, *Trends in Auto Defect Litigation*, Seattle, WA, May, 2017.

Panelist, Law Seminars International - VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions, May, 2016.

Speaker, *Class Action & Data Breach Litigation*, Santa Barbara, CA, March, 2016.

Speaker, *Fiduciary Challenges in a Low Return Environment*, Seattle, WA, December, 2014.

Speaker, *Post-Certification Motion Practice in Class Actions*, Seattle, WA, June, 2014.

Speaker, *Investment Litigation: Fees & Investments in Defined Contribution Plans*, ERISA Litigation, Washington, D.C., 2012.

Speaker, *Post-Certification: Motion Issues in Class Actions*, Litigating Class Actions, Seattle, WA, 2012.

Derek W. Loeser, Erin M. Riley & Benjamin B. Gould, 2010 *ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser & Erin M. Riley, *The Case Against the Presumption of Prudence*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Sept. 10, 2010).

Speaker, ABA Mid-Winter Meeting, San Antonio, TX, 2010.

Speaker, 22nd Annual ERISA Litigation Conference - New York, NY, Nov. 2009.

Speaker, 22nd Annual ERISA Litigation Conference - Las Vegas, NV, Oct. 2009.

Derek W. Loeser & Benjamin B. Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).

Panelist, HarrisMartin's National Opioid Litigation Conference - *Current Landscape of Opioid Litigation*, Chicago, IL, October, 2017.

Speaker, *Trends in Auto Defect Litigation*, Seattle, WA, May, 2017.

Panelist, Law Seminars International - VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions, May, 2016.

Speaker, *Class Action & Data Breach Litigation*, Santa Barbara, CA, March, 2016.

Speaker, *Fiduciary Challenges in a Low Return Environment*, Seattle, WA, December, 2014.

Speaker, *Post-Certification Motion Practice in Class Actions*, Seattle, WA, June, 2014.

Speaker, *Investment Litigation: Fees & Investments in Defined Contribution Plans*, ERISA Litigation, Washington, D.C., 2012.

Speaker, *Post-Certification: Motion Issues in Class Actions*, Litigating Class Actions, Seattle, WA, 2012.

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## ADELE DANIEL

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
adaniel@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Data Privacy Litigation

### EDUCATION

#### Carleton College

B.A, *magna cum laude*, 2014,  
History

#### University of Michigan Law School

J.D., Order of the Coif, *magna cum laude*, 2017

### BAR & COURT ADMISSIONS

2018, Washington

**Adele Daniel always has the big picture in mind.** As an attorney in our nationally recognized Complex Litigation Group, she takes the time to deeply understand the opposing side in order to forcefully rebut the opposition's arguments.

Adele graduated *magna cum laude* from University of Michigan Law School, where she served as an Articles Editor for the Michigan Law Review. Following her graduation, Adele clerked for Chief Judge Michael Mosman at the U.S. District Court for the District of Oregon. She then moved to Seattle to clerk for Judge Ronald Gould at the U.S. Court of Appeals for the Ninth Circuit.

Interested in using litigation to make a lasting impact for consumers, Adele joined Keller Rohrbach in 2019. As a member of the firm's automotive litigation team, Adele embraces the opportunity to represent deserving clients, and in so doing, deter corporations from future misconduct.

In her spare time, Adele heads to Washington's mountains and rivers for cycling, backpacking, and whitewater kayaking.

## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2022

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## ERIC FIERRO

### CONTACT INFO

3101 N Central Avenue, Ste. 1400  
Phoenix, AZ 85012  
(602) 230-6331  
efierro@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Consumer Protection
- eDiscovery
- Financial Products and Services
- Intellectual Property
- Mass Personal Injury
- Securities
- Whistleblower

### EDUCATION

#### Arizona State University

B.S., 2002, Justice Studies

#### New England School of Law

J.D., 2006, Senior Editor, *New England Journal of International and Comparative Law*

**Eric Fierro bridges the gap between technology and the law.** Eric practices in Keller Rohrback's nationally recognized Complex Litigation Group and oversees the firm's legal technology group, providing electronic discovery and litigation support to colleagues and clients on a wide array of cases. Whether he is helping to preserve significant amounts of data for institutional clients or walking an individual through the data collection process to increase accuracy and maximize privacy, Eric works closely with clients to understand their needs and provide solutions.

Eric has over 15 years of experience with legal technology. While attending law school in the evening, Eric worked full-time for the U.S. Attorney's Office for the District of Massachusetts where he provided technical support for all criminal and civil units, including the healthcare fraud, securities fraud, and other white collar crime units. Eric also worked as a summer law clerk for the computer crime and intellectual property unit at the U.S. Attorney's Office. Before joining Keller Rohrback, he was a managing consultant for Huron Consulting Group, providing consultative services for complex electronic discovery and document review matters.

When not at work, Eric enjoys spending time with his family, golfing, and rebuilding off-road vehicles in his garage.

### BAR & COURT ADMISSIONS

2009, Arizona

2009, U.S. District Court for the District of Arizona

### PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

### PUBLICATIONS & PRESENTATIONS

Presenter, 2019 ASU-Arkfeld eDiscovery and Digital Evidence Conference, "Everyday Devices and the Internet of Things: Working with ESI in the Forest of Smart Device."

Presenter, 2018 Complex Litigation E-Discovery Forum, Plaintiff Offensive Review Workflows and Tips, September 2018.

Presenter, 2017 Complex Litigation E-Discovery Forum, Best Practice for Plaintiff Document Collection, September 2017.

Presenter, 2016 Complex Litigation E-Discovery Forum, Negotiating a State of the Art ESI Protocol, September 23, 2016.

Panelist, IPro Innovations for The Sedona Conference, The 2015 Federal Rule Amendments: Has Anything Really Changed? April 2016.

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## MATTHEW GEREND

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
mgerend@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- ERISA & Employee Benefits

### EDUCATION

#### University of Wisconsin

B.A., with distinction, 2005,  
Political Science, Phi Beta Kappa

#### Georgetown University Law Center

J.D., *cum laude*, 2010; Executive  
Articles Editor, *Georgetown Journal  
on Poverty Law and Policy*

**Matthew Gerend practices in the firm's nationally recognized Complex Litigation Group, representing employees, benefit plans, and consumers in litigation to enforce antitrust laws and the Employee Retirement Income Security Act ("ERISA").**

Matt has represented plaintiffs in federal courts across the country to redress harms stemming from breaches of fiduciary duties, investment fraud, anticompetitive conduct, and other misconduct that harms employees, benefit plans, and consumers.

Matt has also represented health plan members and health plans in litigation to hold pharmacy benefit managers and drug manufactures accountable for unfair, deceptive, and anticompetitive practices that artificially drive up the prices for critical medications, such as the EpiPen and the MS drug Copaxone.

Matt became interested in the laws protecting retirement and health benefits as a clerk with AARP Foundation Litigation, where he helped draft a number of amicus curiae briefs filed in the U.S. Supreme Court and U.S. Courts of Appeals regarding the proper interpretation and implementation of ERISA. During law school, Matt also worked as an intern with the Community Development Project at the Lawyers' Committee for Civil Rights Under Law.

Matt believes that lawyers have a unique ability to effect social change, an ethic that has guided his work representing individuals and benefit plans against those engaged in divisive and fraudulent practices.

### BAR & COURT ADMISSIONS

2010, Washington

2011, U.S. District Court for the Western District of Washington

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. District Court for the Eastern District of Michigan

2014, U.S. Court of Appeals for the Sixth Circuit

2014, U.S. Court of Appeals for the Ninth Circuit

2015, U.S. Court of Appeals for the Seventh Circuit

2015, U.S. District Court for the District of Colorado

2016, U.S. Court of Appeals for the Fourth Circuit

2016, U.S. Court of Appeals for the Tenth Circuit

2016, Supreme Court of the United States

2018, U.S. Court of Appeals for the Second Circuit

2018, U.S. District Court for the Eastern District of Wisconsin



## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2022

## PUBLICATIONS & PRESENTATIONS

Contributing Author, *Zanglein et. al., ERISA Litigation* (Bloomberg BNA 2015).

Deborah M. Austin and Matthew M. Gerend, *The Scope and Potential of Section 3 as Currently Implemented*, 19 J. Affordable Housing & Commun. Dev. L. 89 (2009).

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## BENJAMIN GOULD

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
bgould@kellerrohrback.com

### PRACTICE EMPHASIS

- Appeals
- Class Actions
- Constitutional Law
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Institutional Investors

### EDUCATION

#### Yale University

B.A., *summa cum laude*, 2002,  
English, Phi Beta Kappa

#### Yale Law School

J.D., 2006, Editor, *Yale Law Journal*,  
Editor-in-Chief, *Yale Journal of Law  
and the Humanities*

**Benjamin Gould makes the law work for his clients.** Ben, a Seattle native, practices in Keller Rohrbach's nationally recognized Complex Litigation Group. His ability to clearly and efficiently communicate factual and legal issues to his clients and courts allows him to adeptly serve the interest of clients who have been harmed by others' misconduct.

Ben has extensive experience in appellate litigation and has active appeals pending in state and federal courts throughout the nation. He has secured successful results for his clients before the U.S. Courts of Appeals for the Second, Eighth, and Ninth Circuits and numerous state appellate courts. Ben also maintains an active practice outside the appellate arena. He has represented clients in cases involving pensions, securities, and consumer-protection law, among other subjects.

Before joining the firm, Ben worked as a Legal Fellow of the ACLU Drug Law Reform Project, litigating cases related to drug policy and civil rights. He also served as a clerk to two federal appellate judges: the Honorable Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit and the Honorable Diana E. Murphy of the U.S. Court of Appeals for the Eighth Circuit.

### BAR & COURT ADMISSIONS

2007, California  
2010, District of Columbia  
2010, U.S. Court of Appeals for the Ninth Circuit  
2011, Washington  
2011, U.S. District Court for the Western District of Washington  
2012, U.S. District Court for the Eastern District of Washington  
2012, U.S. Court of Appeals for the Third Circuit  
2013, U.S. Court of Appeals for the Second Circuit  
2013, U.S. Court of Appeals for the Sixth Circuit  
2013, U.S. Court of Appeals for the Eighth Circuit  
2013, U.S. Court of Appeals for the Eleventh Circuit  
2014, U.S. Court of Appeals for the First Circuit  
2015, U.S. Supreme Court



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## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*; Appellate Law  
Section

Washington State Bar Association, *Member*

Washington State Association for Justice, *Member*

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers* - Washington,  
2016-2022

## PUBLICATIONS & PRESENTATIONS

Benjamin Gould, "Alphabet Soup: Exploring Washington's Unique 'ABC Rule' on Attorney Fees From Collateral Litigation" in *Washington State Bar News*, Feb. 9, 2023.

Benjamin Gould, "On the Lawfulness of Awards to Class Representatives," *Cardozo Law Review* de novo, 2023.

Benjamin Gould, An Update on COVID-19 Coverage Litigation in Washington, in *Washington State Association for Justice: Trial News* (Nov. 2022)

Benjamin Gould, Washington's Flawed ABC Rule, 58 *Willamette L. Rev.* 251 (2022).

Benjamin Gould, "Inoculation Altercation: What Critics Misunderstand About the Washington Supreme Court Vaccination Order" in *Washington State Bar News*, Oct. 21, 2021.

Benjamin Gould, "Subject-Matter Jurisdiction in the Washington Supreme Court: Unsettling the Settled," in *NWSidebar*, November 2020.

Benjamin Gould, "Vaccine Law: An Overview of Current Law and a Look at the Future," in *NWLAWyer*, November 2019.

Benjamin Gould, *Radical Jurisprudence*, 93 *Wash. L. Rev. Online* 49 (2018).

Speaker on Rule 23(f) and Class Action Appeals, American Bar Association 19th Annual National Institute on Class Actions, New Orleans, LA, 2015.

A Review of Antonin Scalia and Bryan A. Garner, *Reading Law* (2012), in *Trial News*, March 2014.

Derek W. Loeser & Benjamin Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser & Benjamin Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, *Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009).\*

Derek W. Loeser, Erin M. Riley & Benjamin Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, *Pensions & Benefits Daily*, Bureau of National Affairs, Inc. (Jan. 28, 2011).

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## CHRISTOPHER GRAVER

### CONTACT INFO

3101 N Central Avenue, Ste. 1400  
Phoenix, Arizona 85012-2600  
(602) 248-0088  
cgraver@kellerrohrback.com

### PRACTICE EMPHASIS

- Business Litigation
- Bankruptcy and Creditors' Rights

### EDUCATION

#### St. John's College

B.A., 1976

#### University of New Mexico

J.D., *magna cum laude*, 1990  
Order of the Coif

### Chris is a member of Keller Rohrbach's Complex Litigation and Bankruptcy Groups.

He has represented debtors, creditors, Court-appointed committees, and asset purchasers in Chapter 11 reorganization proceedings and workouts. In recent years he has also focused on representing plaintiffs in ERISA class actions. Chris has wide-ranging experience in complex commercial matters, from corporate restructuring to breach of fiduciary duty, commercial real estate, contracts, patent infringement, and environmental insurance coverage.

Together with colleagues, Chris has represented clients as diverse as pension plan participants in class actions challenging their employers' asserted exemption from ERISA, the committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, an American Indian business corporation in a commercial dispute, and a developer restructuring a portfolio of real property interests nationwide.

A graduate of the Great Books liberal arts program at St. John's College in Santa Fe, Chris earned his law degree from the University of New Mexico Law School *magna cum laude* in 1990. While his practice is centered in the Southwest, Chris represents clients in federal courts coast to coast.

### BAR & COURT ADMISSIONS

1990, Arizona

1990, United States District Court for the District of Arizona

2004, United States Court of Appeals for the Ninth Circuit

2015, United States Court of Appeals for the Fifth Circuit

2015, United States Court of Appeals for the Tenth Circuit

2017, United States Supreme Court

### PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

Maricopa County Bar Association, *Member*

### PUBLICATIONS & PRESENTATIONS

Co-author, "Confirming the Catholics: The Diocese of Tucson Experience," Norton Bankruptcy Law Advisor, 2005.

Co-author, "Representing the Tort Claimants' Committee in the Chapter 11 Case Filed by the Roman Catholic Diocese of Tucson," prepared for the National Conference of Bankruptcy Judges, 2005.

"Decoding the Code," *AzBusiness Magazine*, 2005.

Speaker, Maricopa County Bar Association presentation, *New Bankruptcy Code: Changing the Way Creditors are Treated*, 2006.

# KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



## DAVID KO

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
dko@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Financial Products and Services
- Governments & Municipalities
- Institutional Investors
- Securities

David is a partner in the firm's nationally recognized Complex Litigation Group where he litigates cases on behalf of plaintiffs in federal and state courts across the country in a wide variety of cases involving corporate wrongdoing. He has helped his clients—including government entities, retirement plans, institutional investors, and consumers—obtain multimillion-dollar recoveries against some of the largest corporations in the country. He has significant trial experience, having tried month-long trials in both federal and state court.

David is currently at the center of the firm's largest and most high-profile cases. He represents hundreds of government entities all over the country in *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio)—seeking to hold manufacturers, distributors, and dispensers responsible for creating and fueling the opioid epidemic—and *In re JUUL Labs, Inc. Marketing, Sales Practices, & Products Liability Litigation*, MDL 2913 (N.D. Cal.), seeking to hold JUUL and Altria responsible for creating and fueling the youth vaping epidemic. He is also one of the lead attorneys in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, MDL 2843 (N.D. Cal.), a class action on behalf of all Facebook U.S. users alleging Facebook discloses user information and data without consent.

Prior to joining the firm, David clerked for the Honorable Ricardo S. Martinez, Chief U.S. District Judge in the Western District of Washington. He is past President of the Korean American Bar Association of Washington, and a Fellow of the Washington Leadership Institute. While born in Seoul and extremely proud of his Korean heritage, David has spent most of his life in the Seattle area, where he currently lives with his wife and two young daughters and is an avid supporter of all Seattle sports teams.

### EDUCATION

#### University of Washington

B.A., 2002, History and Political Science

#### Seattle University School of Law

J.D., *cum laude*, 2006; National Order of Barristers

#### University of Washington School of Law

LL.M., 2007 Taxation

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L A W   O F F I C E S   ♦   L . L . P .

## BAR & COURT ADMISSIONS

2006, Washington

2010, U.S. District Court for the Western District of Washington

2010, U.S. District Court for North Dakota

2011, U.S. Court of Appeals for the Ninth Circuit

2016, U.S. District Court for the Eastern District of Michigan

2018, U.S. Court of Appeals for the Second Circuit

2018, U.S. District Court for the Eastern District of Washington

2019, U.S. District Court for Colorado

## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Korean American Bar Association, *Board Member*

Asian American Bar Association, *Member*

National Center for Employee Ownership, *Member*

## PUBLICATIONS & PRESENTATIONS

Speaker, Washington County Administration Association Annual Conference, Opioid Litigation Settlement Updates (April 2023)

Speaker, Washington Association of Prosecuting Attorneys Spring Training Program, Opioid Litigation (Tacoma, WA, April 2023)

Speaker, Human Right to Health: Pathways and Responses, Opioid Abuse and Litigation: Legal and Policy Responses (Seattle, WA, November 2019)

Speaker, Washington State Society of Healthcare Attorneys Annual Conference, *Opioid Litigation on Behalf of Local Governments* (Seattle, WA, April 2018)

Speaker, Mass Torts Made Perfect, *National Costs of Opioid Crisis* (Las Vegas, NV, April 2018)

Speaker, National Center for Employee Ownership Annual Conference, *Fundamentals of the Repurchase Obligation* (Denver, CO, March 2017)

Speaker, National Business Institute, *Legal Ethics: Top Attorney-Client Mistakes* (Seattle, WA, December 2016)

Speaker, National Business Institute, *Title Law: Ethics* (Seattle, WA, April 2016)

## HONORS & AWARDS

Lawdragon, 500 Leading Plaintiff Financial Lawyers, 2023

Selected to Super Lawyers list in *Super Lawyers - Washington* 2022

Selected to Rising Stars list in *Super Lawyers - Washington*, 2019-2020

National Trial Lawyers: Top 100 Civil Plaintiff Trial Lawyers in Washington

# KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



## BENJAMIN J. LANTZ

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
blantz@kellerrohrback.com

### PRACTICE EMPHASIS

- Banking
- Business & Finance
- Catastrophic Property Loss
- Commercial Litigation
- Employment Law
- Insurance Litigation
- Medical & Dental
- Personal Injury Wrongful Death
- Real Estate Litigation

### EDUCATION

#### New England School of Law

J.D., *cum laude*, 1995

#### Boston College

B.A., 1992

**Ben Lantz's practice focuses on plaintiff's personal injury cases including motor vehicle accidents, premises liability, product liability, wrongful death, and catastrophic property loss.**

He brings a unique skill set to his plaintiff's personal injury practice. For over 25 years, Ben defended these claims for insurance companies, car manufactures, and government entities. Using this experience, Ben has developed deep insight into how insurance companies and defense counsel think, defend, and ultimately value cases. Armed with this knowledge, he understands what cases are worth pretrial and when it is necessary to let a jury determine the value of a client's claim.

Mr. Lantz began his career as a civil and criminal prosecutor with the Snohomish County Prosecutor's Office, where he obtained extensive trial experience. Since joining Keller Rohrbach L.L.P. in 1998, Ben has successfully represented financial institutions and corporations in complex commercial litigation matters. He also has successfully defended automotive product liability cases on behalf of Ford Motor Company, Honda Motor Co., Ltd., New Holland North America, Inc. and Toyota Motor Corporation.

### BAR & COURT ADMISSIONS

1995, Washington

1997, U.S. District Court for the Western District of Washington

1999, U.S. District Court for the Eastern District of Washington

### PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

### HONORS & AWARDS

Selected to Rising Stars list in Super Lawyers - Washington, 2006, 2008.

# KELLER ROHRBACK

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## CARI CAMPEN LAUFENBERG

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
claufenberg@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

### EDUCATION

#### University of California, San Diego

B.A., 1993, Art History

#### University of Washington

M.A., 1998, Public Administration

#### University of Washington School of Law

J.D., 2003

As a partner in Keller Rohrbach's nationally recognized Complex Litigation Group, Cari Laufenberg maintains a national practice representing consumers, employees, and institutions in complex consumer and employee class actions involving corporate fraud, privacy and data breach issues, breach of fiduciary duty, and the Employee Retirement Income Security Act ("ERISA"). Since joining Keller Rohrbach, she has played a key role in obtaining multi-million-dollar recoveries for consumers, employees, and shareholders in many of the firm's largest and most complex cases, including cases involving Anthem Inc., Sony Pictures Entertainment Inc., Marsh McLennan Companies, Goodyear Tire & Rubber Co., and HealthSouth Corporation.

Cari has been appointed to numerous leadership positions in federal courts across the country. She currently serves as Co-Lead Counsel for over 76 million data breach victims in *In re T-Mobile Customer Data Security Breach Litigation* in the Western District of Missouri. Cari has also served as Co-Lead Counsel in *In re 21st Century Oncology Customer Data Security Breach Litigation* in the Middle District of Florida, and as Class Counsel in *Fox v. Iowa Health System* in the Western District of Wisconsin representing 1.4 million victims of the UnityPoint Health data breach. She has been appointed as a member of several leadership committees including: *In re Experian Data Breach Litigation* in the Central District of California and *In re VTech Data Breach Litigation* in the Northern District of Illinois, Eastern Division. Cari has also made key contributions in other significant data breach and data privacy actions in which Keller Rohrbach has had leadership positions including *In re Facebook, Inc. Consumer Privacy User Profile Litigation* in the Northern District of California, *In re Blackbaud Inc. Customer Data Security Breach Litigation* in the District of South Carolina, and *Corona v. Sony Pictures Entertainment, Inc.* in the Central District of California.

Over the past almost 20 years, Cari's background in nonprofit management and public administration has served her clients well. She is adept at organizing large complex cases, working collaboratively with other counsel, and developing a cogent strategy which achieves short-term goals and long-term successes. Before joining Keller Rohrbach in 2003, Cari served as a judicial extern for Judge Barbara Jacobs Rothstein of the U.S. District Court for the Western District of Washington. She is a frequent speaker at national conferences on class actions, identity theft and privacy, and other complex litigation topics.



# KELLER ROHRBACK

L A W   O F F I C E S   ♦   L . L . P .

## BAR & COURT ADMISSIONS

2003, Washington

2004, U.S. District Court for the Western District of Washington

2006, U.S. District Court for the Eastern District of Michigan

2006, U.S. Court of Appeals for the Eleventh Circuit

2011, U.S. Court of Appeals for the Seventh Circuit

2011, U.S. Court of Appeals for the Ninth Circuit

2013, U.S. Court of Appeals for the Eighth Circuit

## HONORS & AWARDS

Lawdragon, 500 Leading Plaintiff Financial Lawyers, 2023

National Trial Lawyers: Top 100 Civil Plaintiff Trial Lawyers in Washington

Named as the Best Lawyers® 2023 Litigation – ERISA  
“Lawyer of the Year” in Seattle

Best Lawyers in America, Litigation - ERISA, 2022-2023

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2022

Selected to Rising Stars list in *Super Lawyers - Washington*, 2008-2009, 2011

AV®, Peer Review Top-Rated by Martindale-Hubbell

## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

King County Washington Women Lawyers, *Member*;  
Member of the Board of Directors (2003-2005)

Washington Women Lawyers, *Member*

The William L. Dwyer American Inn of Court, *Founding Student Member* (2002-2003)

Federal Bar Association, *Member*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Northwest Immigrant Rights Project, *Volunteer Attorney*

National Association for Public Pension Attorneys, *Member*

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## PUBLICATIONS & PRESENTATIONS

Presenter, Capital One Data Breach Litigation, HarrisMartin's MDL Conference, Beverly Hills, CA, September 2019.

Presenter, Consumer Recovery of Damages for Security Breaches or Misuse of Consumer Information, Law Seminars International Artificial Intelligence & Privacy Conference, Seattle, WA, August 2019.

Presenter, Data Breach & Privacy Class Action Litigation, Law Seminars International Class Action Litigation Conference, Seattle, WA, May 2019.

Presenter, Facebook Breach – Is Anyone's Data Safe, HarrisMartin MDL Conference, Chicago, IL, May 2018.

Class Action Lawsuits and Settlements: Uncovering the Things You Need to Know, The Knowledge Group Online CLE, November 2018.

Presenter, Intel: The OEM Cases, HarrisMartin MDL Conference, Miami, FL, March 2018.

Presenter, *Legal Claims: Equifax and Other Data Breach Cases*, HarrisMartin's Equifax Data Breach Litigation Conference, Atlanta, GA, November 2017.

Tana Lin, Cari Laufenberg and Lisa A. Nowlin, Brief for American College of Obstetricians and Gynecologists as Amicus Curiae in Support of Respondent, *Coffey v. Public Hosp. Dist. No. 1, Skagit Cty. Wash. d/b/a Skagit Regional Health, et al.*, No. 75769-5) (Wash. Ct. App. Apr. 5, 2017).

Panelist, *Recent Settlements & Litigation Trends*, HB Litigation Conferences, Data Breach Litigation and Investigation Forum 2017, San Francisco, CA, January 2017.

Presenter, *Don't Be Spokeo'd: What You Need to Know in Litigating Data Breach Cases*, American Bar Association, Business Law Section Annual Meeting, Boston, MA, September 2016.

Panelist, *The Client's Perspective: ADR Users Share Insights Regarding What Mediators Do To Make the Process Succeed or Fail*, American Bar Association, 18th Annual Section of Dispute Resolution Spring Conference, New York, NY, April 2016.

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LAW OFFICES ♦ L.L.P.



## LYNN LINCOLN SARKO

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
lsarko@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Constitutional Law
- Commodities & Futures Contracts
- Consumer Protection
- Data Privacy Litigation
- Employment Law
- Environmental Litigation
- Employee Benefits & Retirement Security
- Financial Products & Services
- Government & Municipalities
- Institutional Investors
- Intellectual Property
- International Law
- Mass Personal Injury
- Securities & Financial Fraud
- Whistleblower

### Managing Partner Lynn Sarko uses thoughtful innovation to solve

**complex issues.** Having led Keller Rohrback L.L.P.'s Complex Litigation Group since its inception over 30 years ago, Lynn's work has led to new developments in case law and significant, impactful settlements for his clients.

A dynamic leader with a tenacious dedication to justice, Lynn has been selected by courts across the nation to serve in key leadership roles in a wide variety of cutting-edge cases. Namely, he was appointed Co-Lead counsel for *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litigation*, MDL No. 2785 (D. Kan.), the nationwide class action against pharmaceutical company Mylan and others for anticompetitive and unfair business practices in its sale and marketing of the EpiPen Auto-Injector device. He was also selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the vast litigation regarding the nationwide prescription opioid epidemic, *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The National Law Journal referred to this leadership team as a "Who's Who' in mass torts."

Some of Lynn's other remarkable successes include consumer protection cases aimed at holding automotive companies accountable for wrongdoing. One such case was *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (N.D. Cal.), for which Lynn was appointed to the Plaintiffs' Steering Committee—a group referred to as a "class action dream team." The case settled for over \$17 billion. Lynn was also appointed to the Plaintiffs' Steering Committee for *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777 (N.D. Cal.), which settled for \$307.5 million, including required emissions modifications for 100,000 eligible vehicles. In addition to consumer protection cases, Lynn has also served in leadership positions for cases involving financial fraud and breaches of fiduciary duty. He was selected to lead teams of attorneys representing plaintiffs in the litigations against Enron, Worldcom, and Madoff—three of the biggest financial frauds of our time.

Lynn is widely renowned within the legal community and beyond for his diplomacy and fearless devotion to justice. He was a member of the legal team nominated for the 2016 Nobel Peace Prize for seeking enforcement of the Nuclear Non-Proliferation Treaty on behalf of the Republic of the Marshall Islands. He was also honored to receive the Trial Lawyers for Public Justice Trial Lawyer of the Year Award for his work on the Exxon Valdez Oil Spill trial team, and he was one of four Washington lawyers recognized as one of the 500 "Leading Lawyers in America" by Lawdragon. He is also AV-rated by Martindale-Hubbell and has been consecutively named to the Washington Super Lawyers list for 21 years.

Lynn holds a BBA and an MBA in accounting and finance from the University of Wisconsin, where he also served as an accounting instructor. He graduated with his J.D. from the University of Wisconsin Law school, where he was Editor-

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in-Chief of the Wisconsin Law Review and received the faculty award given to the most outstanding member of the graduating class.

Prior to joining Keller Rohrbach, Lynn was an Assistant United States Attorney for the District of Columbia, Criminal Division, an associate at the Washington D.C. office of Arnold & Porter, and law clerk to the Honorable Jerome Farris, United States Court of Appeals for the Ninth Circuit, in Seattle.

## EDUCATION

### University of Wisconsin

B.B.A., 1977

### University of Wisconsin

M.B.A., 1978, *Beta Alpha Psi*

### University of Wisconsin

J.D., 1981, *Order of the Coif*; Editor-in-Chief, *Wisconsin Law Review*; Salmon Dalberg Award (outstanding graduate)

## BAR & COURT ADMISSIONS

1981, Wisconsin

1981, U.S. Court of Appeals for the Ninth Circuit

1983, District of Columbia Court of Appeals

1984, District of Columbia

1984, U.S. District Court for the District of Columbia

1984, United States Supreme Court

1984, U.S. Court of Appeals for the Seventh Circuit

1984, U.S. Court of Appeals for the Fourth Circuit

1984, U.S. Court of Appeals for the Tenth Circuit

1984, U.S. Tax Court

1986, Washington

1986, U.S. District Court for the Western District of Washington

1988, U.S. District Court for the Eastern District of Wisconsin

1989, U.S. District Court for the Eastern District of Washington

1996, U.S. District Court for the Western District of Wisconsin

1997, U.S. District Court for the District of Colorado

2001, U.S. Court of Appeals for the Third Circuit

2002, U.S. District Court for the Eastern District of Michigan

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

2004, U.S. District Court for the Northern District of Illinois

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Sixth Circuit

2010, U.S. District Court for North Dakota

2013, U.S. Court of Appeals for the Second Circuit

2016, U.S. District Court for the Central District of Illinois

2016, U.S. District Court for the Southern District of Illinois

2018, U.S. Court of Appeals for the First Circuit

2019, Arizona

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## HONORS & AWARDS

Lawdragon, 500 Leading Plaintiff Financial Lawyers, 2023  
Law360 Titans of The Plaintiffs Bar honoree, 2023

American Antitrust Institute - Antitrust Enforcement Award Honoree, in the category of "Outstanding Antitrust Litigation Achievement in Private Law Practice" for work in *In re EpiPen Marketing, Sales Practices, and Antitrust Litigation*, 2022

Selected to Super Lawyers list in *Super Lawyers - Washington*, 1999-2022

National Trial Lawyers: Top 100 Civil Plaintiff Trial Lawyers in Washington

Lawdragon, 500 Leading Lawyers in America, 2018 2022 and 2023

Fellow of the American Bar Foundation

Avvo Top Tax Lawyer, Washington CEO Magazine

Trial Lawyer of the Year, Trial Lawyers for Public Justice Salmon Dalberg Award

Fellow of the American Bar Foundation

## SELECTED PUBLICATIONS & PRESENTATIONS

Presenter, Colorado County Attorneys Association Virtual Summer Conference, Statewide Opioid Litigation Update, June 11, 2021.

Thomson/West Webinar, "Stock Drop and Roll: Key Supreme Court Rulings and New Standards in ERISA 'Stock Drop' Cases," July 24, 2014

14th Annual Pension Law, Governance and Solvency Conference, 2013

Canadian Institute's 14th Annual Advanced Forum on Pension Law, Governance and Solvency, 2013

ERISA Litigation & Regulatory Compliance Congress, 2013

American Conference Institute's 6th National Forum on ERISA Litigation, 2013

25th Annual ERISA Litigation Conference, 2012

American Conference Institute's 5th National Forum on ERISA Litigation, 2012

## PROFESSIONAL & CIVIC INVOLVEMENT

American Bar Association, *Member*

Bar Association of The District of Columbia, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

State Bar of Wisconsin, *Member*

Trial Lawyers for Public Justice, *Member*

Washington State Bar Association, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

The Association of Trial Lawyers of America, *Member*

American Academy of Trial Counsel, *Fellow*

Editorial Board, *Washington State Securities Law Deskbook*

Fellow, American Bar Foundation

Human Rights Watch Committee

Washington Athletic Club, *Member*

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LAW OFFICES ♦ L.L.P.



## CHRIS SPRINGER

### CONTACT INFO

801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
(805) 456-1496  
cspringer@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security

### EDUCATION

#### Dartmouth College

B.A., *cum laude*, 2000

#### U.C. Berkeley School of Law

J.D., 2008

**Chris Springer is dedicated to working to help people who have been harmed by the unlawful conduct of large corporations and other entities.**

He is a partner in Keller Rohrbach's nationally recognized Complex Litigation Group and practices in the firm's Santa Barbara office. He is experienced in cases involving consumer protection, data security, environmental protection, disability access, employment rights, and ERISA.

Before joining Keller Rohrbach, Chris worked in the field of software development and testing. His practice now focuses on data-privacy and other consumer-protection litigation. Since joining Keller Rohrbach, he helped obtain a multimillion-dollar recovery in *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.), which involved the theft and disclosure of medical, financial, and employment information. He is also actively involved in other data privacy matters, including *In re 21st Century Oncology Customer Data Security Breach Litigation*, which involves the unauthorized disclosure of personal and medical information.

## BAR & COURT ADMISSIONS

2013, California

2017, U.S. District Court for the Central District of California

2017, U.S. District Court for the Northern District of California

## PROFESSIONAL & CIVIC INVOLVEMENT

California State Bar Association, *Member*

Santa Barbara Bar Association, *Member*

American Bar Association, *Member*

## HONORS & AWARDS

American Jurisprudence Award, Civil Procedure



# KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



## EMMA WRIGHT

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
ewright@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Data Privacy Litigation

### EDUCATION

#### Loyola Marymount University

B.A., 2015, Political Science

#### Seattle University School of Law

J.D., *magna cum laude*, 2020  
Editor-in-Chief, Seattle University  
Law Review

**Emma's fierce intelligence and attention to detail allows her to delve into the legal intricacies of every case.** Emma brings great enthusiasm to Keller Rohrback's nationally recognized Complex Litigation Group—a practice for which she is well suited, as each case is unique and intellectually demanding.

Having aspired to be an attorney since childhood, Emma was initially drawn to litigation when she took a civil procedure course in law school and learned just how complex and rule-intensive litigation is. In addition, Emma sees complex litigation as an avenue with which to hold large corporations accountable, which connects to her personal dedication to equity.

In 2020, Emma graduated *magna cum laude* with her J.D. from Seattle University School of Law, where she served as Editor-in-Chief of the Seattle University Law Review, on the Moot Court Board, and as a research assistant to her civil procedure professor. During law school, she also externed for Judge John C. Coughenour of the Western District of Washington.

Drawn to the firm's culture of collaboration and commitment to social justice, Emma first worked at Keller Rohrback as a summer associate in 2018 and 2019, eventually returning to the firm full-time as an associate attorney in 2020. She is excited to rejoin the team working on *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, which the firm filed when Emma was a 1L summer associate.

In her spare time, Emma enjoys skiing, traveling, and spending time with her dog, Winter.

### BAR & COURT ADMISSIONS

2020, Washington

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LAW OFFICES ♦ L.L.P.

## SEATTLE (HQ)

Keller Rohrback L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
P: 206.623.1900 | F: 206.623.3384



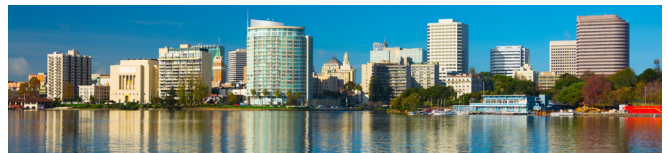
## MISSOULA

Keller Rohrback L.L.P.  
3255 Bending Tree Lane  
Missoula, MT 59808



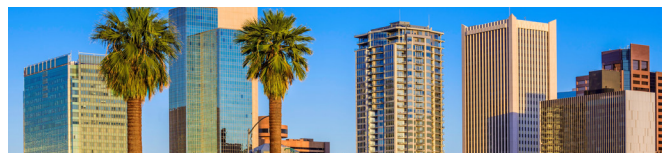
## OAKLAND

Keller Rohrback L.L.P.  
180 Grand Avenue, Suite 1380  
Oakland, CA 94612  
P: 510.463.3900 | F: 510.463.3901



## PHOENIX

Keller Rohrback L.L.P.  
3101 North Central Avenue, Suite 1400  
Phoenix, AZ 85012  
P: 602.248.0088 | F: 602.248.2822



## PORTLAND

Keller Rohrback L.L.P.  
805 SW Broadway, Suite 2750  
Portland, OR 97205  
P: 971.253.4600 | F: 206.623.3384



## SANTA BARBARA

Keller Rohrback L.L.P.  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
P: 805.456.1496 | F: 805.456.1497



## NEW YORK

Keller Rohrback L.L.P.  
1140 6th Avenue, 9th Floor  
New York, NY 10036  
P: 646.380.6690 | F: 646.380.6692

